

APP

Mid-Term Permit Review

R-0360-4?

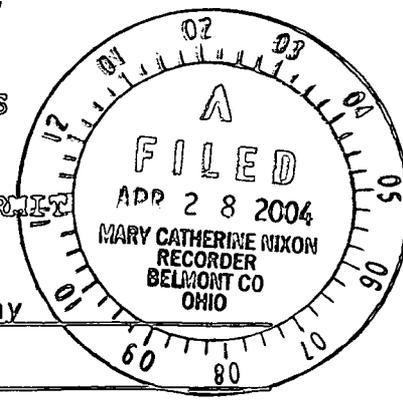
11/88

OPERATION

154

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

APPLICATION TO REVISE A COAL MINING PERMIT



1. Applicant's Name The Ohio Valley Coal Company
Address 56854 Pleasant Ridge Road
City Alledonia State Ohio Zip 43902
Telephone No. 614 - 926 - 1351

2. Permit No. D-0360.

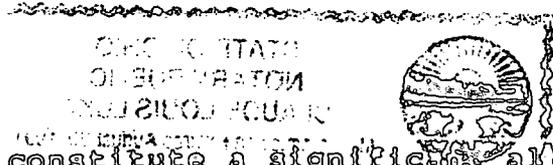
3. Section of mining and reclamation plan to be revised:
Addenda 12, 13, 18, 19, 30, 33 Supplement, 34 plus the inclusion of the PA 25 addendum.

4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:

The revisions bring the permit into compliance with the ~~current~~ requirements of the Ohio Administrative Code.

5. Describe in detail the reason for requesting the ~~revision~~ 50:

The revisions are a result of a mid term permit review conducted by the Division of Reclamation.



6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? Yes, X No.

(Note: refer to paragraph (E) (2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

If "yes," complete the following items 7 through 9.

D 0360

7. In the space below give the name and address of the newspaper in which the public notice is to be published.

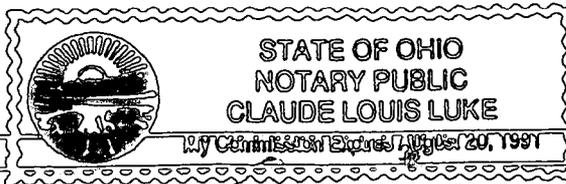
8. In the space below give the text of the public notice that is to be published.

9. In the space below give the name and address of the public office where this application is to be filed for public viewing.

I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

<u>Robert E. Murray</u>	_____
Print Name	Date
<u><i>Robert E. Murray</i></u>	President and
Signature	Chief Executive Officer
	Title

Sworn before me and subscribed in my presence this 17th day of October, 1989.



Claude Louis Luke
Notary Public

(FOR DIVISION USE ONLY)

This request is hereby approved.

<u><i>Tom L. ...</i></u>	10-31-89
Chief, Division of Reclamation	Date

RECEIVED

WEST VIRGINIA
DIVISION OF
RECLAMATION

THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT NO. D-0360

RESPONSES TO REQUEST FOR ARP DATED MARCH 7, 1989

- Item 1a - To be addressed under a separate ARP.
- Item 1b - To be addressed under a separate ARP.
- Item 2 - The Belmont County Commissioners, the Regional Planning Commission, and the Washington Township Trustees were contacted by telephone. There are no governmental agency plans for the permit or adjacent areas.
- Item 3 - The Ohio Valley Coal Company owns the majority of the land within the permit area. The area will have a post-mining land use of forestland/fish and wildlife habitat. The other owner of record of land within the permit area is the Consolidated Rail Corporation. They concur (see attached sheet) with the above-referenced post-mining land use.
- Item 4 - There are two structures that meet the requirements of 30 CFR 77.216. The MSHA plan that complies with 30 CFR 77.216-2 for each is on file in Morgantown, West Virginia at the MSHA office at the Mountaineer Mall. Copies of the approval letters for these plans are enclosed.
- Item 5 - Please refer to addenda 17, 19, 33, 33 Supplement, and 34. The following is a summary list of those structures. The location of the structures are shown in the Addenda and on various drawings in the original application.

<u>Structure</u>	<u>Condition</u>	<u>Start of Construction</u>	<u>End of Construction</u>	<u>Performance Standards</u>
No. 2 Slurry Impoundment	Excellent	1976	Est. 6/89	See Water Analysis Sheet
Slope Preparation Facilities	Excellent	1970	1971	N/A
Office	Excellent	1971	1972	N/A
Refuse Site	Excellent	1970	1971	N/A
Freshwater Diversion	Excellent	1971	1971	See Addendum 33-Supplement

D 0360

RESPONSES TO REQUEST FOR ARP DATED MARCH 7, 1989
PAGE TWO

- Item 6 - The No. 2 Slurry Impoundment is expected to be modified by raising the level of the dam approximately 65 ft. However, these plans requested are not complete. Once complete, they will be submitted to the Division of Reclamation in order to comply with OAC 1501:13-14-05(B) (2).
- Item 7 - The reclamation of the permit area will include grading along contours and the placement of topsoil and seed (with mulch). Since there are no highwalls, there will be no backfilling.
- Item 8 - Please refer to Addendum 18. Topsoil that is to be removed with scrapers/tractors, and/or bulldozers, will be stored and stabilized with the seed mixture indicated. Topsoil will be re-distributed with the use of scrapers/tractors and/or dozers and/or end loaders. Localized areas within the permit that have not been used for the purposes of mining or processing the coal will not be stripped of their topsoils; nor will they be covered with additional topsoil.
- Item 9 - Please refer to Addendum 22. There are no introduced species in the revegetation plan.
- Item 10 - No impoundments will remain as permanent except for the experimental practice outlined in Item 1b above. Since the impoundment is sized to hold a probable maximum precipitation event, the criteria of a fifty year, six hour event are met. Please refer to letter of assurance of maintenance enclosed.
- Item 11 - Please refer to PA 25 Addendum enclosed.

D 0360

P-622 182 264

RECEIPT FOR CERTIFIED MAIL

U.S. MAIL SERVICE
REGISTERED MAIL
(See Reverse)



USGPO 153506

Consolidated Rail Corp.	
Jacob Engineering Building	
100 Fleet Street	
Pittsburgh, PA 15220	
Postage	
Receiver's	

March 20, 1989

Consolidated Rail Corporation
Jacob Engineering Building
100 Fleet Street
Pittsburgh, Pennsylvania 15220

4. Restricted Delivery

3. Article Addressed to:
Consolidated Rail Corporation
Jacob Engineering Building
100 Fleet Street
Pittsburgh, Pennsylvania 15220

4. Type of Service: Article Number
 Registered Insured
 Certified COD
 Express Mail

Article Number: 182 264

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X

6. Signature - Agent
X *[Signature]*

7. Date of Delivery
3-21-89

8. Addressee's Address (ONLY if replaced and fee paid)

As landowner of the area described below, I/we are aware that the proposed post-mining land use will be forest land/fish and wildlife habitat. The area is associated with Permit D-0360, located in Section 28 of Washington Township, Belmont County, Ohio.

Please return this form within five (5) days after receipt if there is a disagreement in the proposed land use. Failure to return this form will be understood by The Ohio Valley Coal Company to be agreement with the proposed land use.

Description of area: All that certain strip of land lying within Lessor's right of way line between Survey Station 699+75 northwesterly to Survey Station 812+30, containing an area of 15.0 acres, more or less, west of Alledonia and situated in the Township of Washington, County of Belmont, State of Ohio.

I/we disagree with the proposed land use.

Landowner

Date

Landowner

Date

D 0360

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 18888



February 26, 1985

Mr. Wm. Elmer Schanck
Chief Environmental Engineer
The NACCO Mining Company
Powhatan No. 6 Mine
Powhatan Point, OH 43942

Dear Mr. Schanck:

A review has been completed on the engineering plan and the as-built construction of the Powhatan No. 6 mine, Water Quality Treatment Pond No. 10, I.D. No. 1211 OH08 00025-05. Based on the information submitted, the as-built construction is approved.

Section 77.216-2(b) requires that any changes or modifications to this plan and construction be approved by the District Manager prior to the initiation of such changes or modifications.

Sincerely,

Maurice S. Childers
District Manager
Coal Mine Safety and Health
District 8

cc: Mr. Barry L. Sutphin, Geotechnical Engineer
The North American Coal Corporation, 4200 Shaker Blvd.
Cleveland, OH 44120

RECEIVED

MAR 1 1985

THE NACCO MINING CO.
Environmental Dept.

RECEIVED

MAR 1 1985

THE NACCO MINING CO.
Environmental Dept.

TOVCC 18889



September 20, 1982

Mr. Wm. Elmer Schanck
Chief Environmental Engineer
The NACCO Mining Company
Powhatan Point, OH 43942

Dear Mr. Schanck:

This is to acknowledge receipt of your engineering plan modification entitled, "Request for Modification, Slurry Impoundment No. 2, I.D. No. 1211 OH8 0025-03, The NACCO Mining Company, Powhatan No. 6 mine, I.D. No. 33-01159," dated September 7, 1982.

Based on the information submitted, the modification is approved and is now a part of the approved engineering plan for design, construction and maintenance of Slurry Impoundment No. 2.

The request for this modification is based on the assumption that an engineering plan modification will be submitted in the future requesting the raising of the crest of this structure. This modification permits the elimination of placing riprap on the upstream face of the impoundment. This modification permits a delay in completion of the emergency spillway until the water, sediment or slurry reaches elevation 1049.5. This modification also permits the placing of a coarse refuse test fill area in the reservoir adjacent to the embankment face to evaluate the feasibility of upstream construction at this site.

The placing of a test section requires the use of coarse refuse generated by the preparation plant during the clearing process. The approved abandonment plan for No. 1 Slurry Pond, I.D. No. 1211 OH8 0025-02, requires that all coarse refuse be used to fill the reservoir area. This abandonment plan is therefore modified to permit the placement of coarse refuse in this test section. Only that amount of refuse needed for the test may be excluded from placement in the abandonment area.

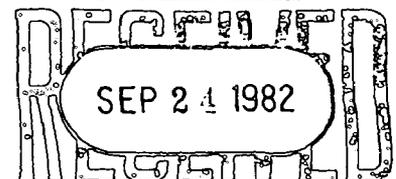
If you have any questions concerning this matter, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles W. King".

Acting District Manager
Coal Mine Safety and Health
District 8

THE NORTH AMERICAN COAL CORPORATION
CENTRAL DIVISION
ENVIRONMENTAL DEPARTMENT



Powhatan Pt., Ohio

FILE: ED-6.2.3.6.

WATER ANALYSES - NO. 2 SLURRY IMPOUNDMENT

	PH	SUSP. SOLIDS	TOTAL FE	TOTAL MN	COND.
1987					
JANUARY	7.58	8.10	0.32	0.52	1650
FEBRUARY	7.72	6.80	0.11	0.71	1250
MARCH	7.91	4.70	0.19	0.77	1430
APRIL	7.85	6.50	0.11	0.53	1470
MAY	7.85	6.50	0.11	0.53	1470
JUNE	8.10	4.80	0.16	0.12	1600
JULY	8.00	9.50	0.21	0.08	1600
AUGUST	7.77	8.10	0.16	0.19	1900
SEPTEMBER	7.22	13.90	0.17	0.97	2200
OCTOBER	7.44	7.20	0.25	1.01	2200
NOVEMBER	7.65	5.30	0.19	0.65	2200
DECEMBER	7.61	5.70	0.20	0.69	2200

WATER ANALYSES - NO. 8 POND

	PH	SUSP. SOLIDS	TOTAL FE	TOTAL MN	COND.
1987					
JANUARY					
FEBRUARY					
MARCH					
APRIL					
MAY					
JUNE					
JULY	7.90	14.30	0.22	0.18	880
AUGUST	8.32	4.50	0.04	0.02	1000
SEPTEMBER	7.52	5.90	0.12	0.04	1300
OCTOBER	7.34	8.00	0.37	0.11	1200
NOVEMBER	8.47	18.50	0.45	0.22	850
DECEMBER	8.02	19.70	0.32	0.11	880

D 0 36 9

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

Program Amendment 25 Addendum to Applications

This addendum is to be completed and submitted with permit renewals, midterm reviews, adjacent area applications, and permit applications as described in Policy/Procedure Directive, Permitting 88-6, if the original permit application does not include the information required by Program Amendment 25 effective October 1, 1988.

Applicant/Permittee The Ohio Valley Coal Company

Application/Permit No. D-0360

I, the undersigned a responsible official of the applicant, do hereby verify the information in this addendum to the permit application, and any revision made during the review process, as true and correct to the best of my information and belief.

Printed Name Robert E. Murray; Date March 30, 1989
Signature *Robert E. Murray*; Title President and Chief Executive Officer
Sworn before me and subscribed in my presence this 31ST day
of MARCH, 19 89.

Claude Louis Duke
Notary Public

MY COMMISSION EXPIRES AUG. 20, 1991

1. Geology Information

- a) Submit an addendum which describes the areal and structural geology of the permit and adjacent areas and any other geologic parameters which may influence required reclamation. Additionally, address how the areal and structural geology may affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters. See Addendum A
- b) Submit an addendum which identifies each stratum shown on the Attachment 12's submitted for the application/permit area. For each stratum provide an analysis of the neutralization potential, potential acidity, total or pyritic sulfur percentage, and physical properties. If the data is unavailable, submit a test hole variance request which either:
 - 1) provides the data in another form or from an adjacent area, or
 - 2) details a plan to obtain the necessary data at the time of the first cut.

N/A - Not a Surface Mine

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2. Hydrology Description

a) For each identifiable aquifer/waterbearing zone within the hydrologic regime complete the following table:

<u>Aquifer/Zone Identification</u>	<u>Discharge/Usage</u>
A-1 (W-1)	Not Used
A-2 (W-2)	Not Used - Formerly Domestic
A-3 (W-3)	Not Used - Formerly Domestic

b) If public water supply sources or surface water bodies (including perennial and intermittent streams) occur within the hydrologic regime, submit an Attachment 14D. See Attachment 14D

3. Hydrologic Determination

Submit an addendum which describes the impact the proposed operation will have on sediment yield from the disturbed area and flooding or streamflow alteration. See Addendum B

4. Protection of Hydrologic Balance

Submit an addendum which describes the measures to be taken during and after the proposed surface mining operations to avoid acid or toxic drainage and to prevent material damage outside the permit area.

N/A - Not a surface operation

5. Ground Water and Surface Water Monitoring Plan

a) In addition to the quality and quantity parameters required for quarterly monitoring and NPDES monitoring, will any other parameters be monitored? Yes, X No. If "yes," indicate the parameter(s) and the site(s) where such monitoring will occur.

b) Do you propose or anticipate the need for a variation in the required quarterly monitoring frequency for ground and surface water sites and monthly monitoring for NPDES? Yes, X No. If "yes," describe the variation in frequency and the monitoring sites to be affected.

D 0360

6. If appropriate, describe the methods or techniques to be used for irrigation, and, if any is proposed, disease, pest, and vermin control.

N/A

7. Submit an addendum which describes the plan for minimizing to the extent possible and using the best technology currently available disturbances and adverse impacts of the operation on fish and wildlife and related environmental values and achieving enhancement of such resources where practical. See Addendum C
8. Will surface mining operations be conducted within 500' of an active underground mine? _____ Yes, X No. If "yes," submit as addenda to the permit application letters from the chief, MSHA, and the chief, Division of Mines, jointly approving of the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities.
9. Will the proposed surface mining operations cause fugitive dust resulting from erosion? _____ Yes, X No. If "yes," submit as an addendum the plan for fugitive dust control practices as required by paragraph (O) (2) of rule 1501:13-4-05 of the Administrative Code and, if required by the chief, an air quality monitoring program as required by paragraph (O) (1) of the Administrative Code.
10. Are variances from approximate original contour to be employed in the proposed surface mining operations? _____ Yes, X No. If "yes," submit an addendum to the permit application meeting the requirements of paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code.

(Note: if a variance from approximate original contour is proposed in accordance with paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code and this PA 25 Addendum is submitted as part of an "Application To Revise a Permit," then it is a significant revision and the public notice requirements of paragraph (A) of 1501:13-5-01 must be met.)

D 0360

OHIO DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF RECLAMATION

ATTACHMENT 14D
 (SURFACE WATER BODIES/PUBLIC WATER SUPPLIES)

Applicant's Name The Ohio Valley Coal Company

Surface Water/ Public Supply Identification #	Type of Surface Water/Public Supply	Name of Owner of Surface Water/ Public Supply	Known Uses of Surface Water/ Public Supply
Captina Creek	Perennial Stream	The Ohio Valley Coal Company	Industrial - Supplies Water for Mine and Preparation Plant
Perkins Run	Perennial Stream	The Ohio Valley Coal Company	None

Program Amendment 25
Addendum A

The Powhatan No. 6 Mine is an underground mine with very few surface impacts. Reclamation is expected to include replacement of topsoil and the re-establishment of vegetation. Therefore, the local geology, as described in Addendum No. 6 of Permit D-0360, is not expected to influence required reclamation. Similarly, the geology is not expected to affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters.

D 0360

Program Amendment 25
Addendum B

Addendum 9 in the original permit application describes the anticipated hydrologic impact. Flooding or streamflow are not expected to be affected as a result of the mining operation.

Program Amendment 25
Addendum C

The Powhatan No. 6 Mine has taken and will continue to take measures necessary to minimize and eliminate adverse impacts of its operation on fish, wildlife, and related environmental values; and to achieve enhancement of these resources where practical. Only areas where disturbance is required has been disturbed. Ponds control sediment to assure that effluent limitations are met. Slurry disposal is accomplished in an impoundment that has excellent water quality and provides outstanding water fowl and fish habitat. Nesting boxes for migratory birds were recently established for Canadian Geese at the No. 2 Slurry Impoundment. As an experimental practice, this impoundment will remain as a permanent enhancement to the environment.

Areas to be reclaimed will be covered with topsoil and planted with seed mixtures specified in Permit D-0360, Addendum 22. The plantings will contain open areas of herbaceous species, food and cover plantings of trees and shrubs, edge improvements, and travel lanes. Open areas will be scattered throughout the area and will be between one-half and five acres in size. The area to be reclaimed will include food and cover plantings of woody species to break up the expansive, open areas; they will be small and irregular in shape. As many food and cover plantings as possible will be used. Edge improvement will create a gradual transition zone between plant communities, creating wider edges and enhancing the edge effect. Travel lanes will be created by planting single rows of dense-growing shrubs or double, alternating rows incorporating two different species of shrubs. Banks of streams will be restored, where disturbed, with riparian vegetation.

MEMO

TO: Bob Foster
FROM: Jack Johannes JCJ
DATE: September 28, 1989
RE: Ohio Valley Coal Company - Permit # D-0360 - Midterm Permit Review

As I mentioned to you on the telephone, I was peripherally involved a number of years ago when North American was establishing test plots. They had proposed direct seeding of slurry impoundments on C-Permits and two feet of non-toxic material instead of four feet was negotiated by the Attorneys.

The letter from Elmer Schanck states the plots will be established. It is quoted in requirement # 1 on the permit approval page. It could not, therefore, satisfy the requirement. It does not show anything as to whether this treatment (2 feet of non-toxic) can sustain a satisfactory cover over a prolonged period of time. The potential acidity figures in these tables is misleading in any case.

The requirement (# 1) allows that the data from the test plots established subsequent to the Schanck letter be analyzed at the time of the midterm review. The resubmission of the Schanck letter does not satisfy this permit requirement.

JCJ/tec

11/88

OPERATOR

OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF RECLAMATION

APPLICATION TO REVISE A COAL MINING PERMIT

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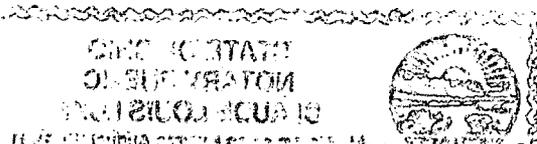
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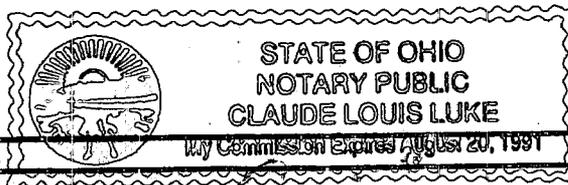
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<u>Robert E. Murray</u>	
Print Name	Date
<u><i>Robert E. Murray</i></u>	President and
Signature	Chief Executive Officer
	Title

Sworn before me and subscribed in my presence this 17th day of OCTOBER, 1989.



Claude Louis Luke
Notary Public

FOR DIVISION USE ONLY)

This request is hereby approved.

<u><i>John L. ...</i></u>	<u>10-31-89</u>
Chief, Division of Reclamation	Date

RECEIVED

OCT 13 1989
DIVISION OF
RECLAMATION

THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT NO. D-0360

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0360

P-622 182 264

RECEIPT FOR CERTIFIED MAIL

INSURANCE COVERAGE PROVIDED BY THE U.S. MAIL SERVICE
NO. FOR INTERNATIONAL MAIL
(See Reverse)

U.S.G.P.O. 153 506

Consolidated Rail Corp.	
Jacob Engineering Building	
100 Fleet Street	
City, State and ZIP Code	
Pittsburgh, PA 15220	
Postage	\$
Carrier Fee	



March 20, 1989

Consolidated Rail Corporation
 Jacob Engineering Building
 100 Fleet Street
 Pittsburgh, Pennsylvania 15220

2. Restricted Delivery.

3. Article Addressed to:
 Consolidated Rail Corporation
 Jacob Engineering Building
 100 Fleet Street
 Pittsburgh, Pennsylvania 15220

4. Type of Service: Article Number
 Registered Insured 182 264
 Certified COD
 Express Mail

Always obtain signature of addressee per report and DATE DELIVERED.

5. Signature - Addressee
 X

6. Signature - Agent
 X *[Handwritten Signature]*

7. Date of Delivery
 3-21-89

8. Addressee's Address (ONLY if requested and fee paid)

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I/we disagree with the proposed land use.

 Landowner

 Date

 Landowner

 Date

D 0360

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 18904



February 26, 1985

Mr. Wm. Elmer Schanck
Chief Environmental Engineer
The NACCO Mining Company
Powhatan No. 6 Mine
Powhatan Point, OH 43942

Dear Mr. Schanck:

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Sincerely,

Maurice S. Childers
District Manager
Coal Mine Safety and Health
District 8

cc: Mr. Barry L. Sutphin, Geotechnical Engineer
The North American Coal Corporation, 4200 Shaker Blvd.
Cleveland, OH 44120

RECEIVED

MAR 1 1985

THE NACCO MINING CO.
Environmental Dept.

RECEIVED

MAR 1 1985

THE NACCO MINING CO.
Environmental Dept.



September 20, 1982

Mr. Wm. Elmer Schanck
Chief Environmental Engineer
The NACCO Mining Company
Powhatan Point, OH 43942

Dear Mr. Schanck:

This is to acknowledge receipt of your engineering plan modification entitled, "Request for Modification, Slurry Impoundment No. 2, I.D. No. 1211 OH8 0025-03, The NACCO Mining Company, Powhatan No. 6 mine, I.D. No. 33-01159," dated September 7, 1982.

Based on the information submitted, the modification is approved and is now a part of the approved engineering plan for design, construction and maintenance of Slurry Impoundment No. 2.

The request for this modification is based on the assumption that an engineering plan modification will be submitted in the future requesting the raising of the crest of this structure. This modification permits the elimination of placing riprap on the upstream face of the impoundment. This modification permits a delay in completion of the emergency spillway until the water, sediment or slurry reaches elevation 1049.5. This modification also permits the placing of a coarse refuse test fill area in the reservoir adjacent to the embankment face to evaluate the feasibility of upstream construction at this site.

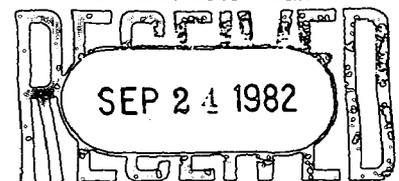
The placing of a test section requires the use of coarse refuse generated by the preparation plant during the clearing process. The approved abandonment plan for No. 1 Slurry Pond, I.D. No. 1211 OH8 0025-02, requires that all coarse refuse be used to fill the reservoir area. This abandonment plan is therefore modified to permit the placement of coarse refuse in this test section. Only that amount of refuse needed for the test may be excluded from placement in the abandonment area.

If you have any questions concerning this matter, please advise.

Sincerely,

Acting District Manager
Coal Mine Safety and Health
District 8

THE NORTH AMERICAN COAL CORPORATION
CENTRAL DIVISION
ENVIRONMENTAL DEPARTMENT



Powhatan Pt., Ohio

FILE: FD-6236

WATER ANALYSES - NO. 2 SLURRY IMPOUNDMENT

1987	PH	SUSP. SOLIDS	TOTAL FE	TOTAL MN	COND.
JANUARY	7.58	8.10	0.32	0.52	1650
FEBRUARY	7.72	6.80	0.11	0.71	1250
MARCH	7.91	4.70	0.19	0.77	1430
APRIL	7.85	6.50	0.11	0.53	1470
MAY	7.85	6.50	0.11	0.53	1470
JUNE	8.10	4.80	0.16	0.12	1600
JULY	8.00	9.50	0.21	0.08	1600
AUGUST	7.77	8.10	0.16	0.19	1900
SEPTEMBER	7.22	13.90	0.17	0.97	2200
OCTOBER	7.44	7.20	0.25	1.01	2200
NOVEMBER	7.65	5.30	0.19	0.65	2200
DECEMBER	7.61	5.70	0.20	0.69	2200

WATER ANALYSES - NO. 8 POND

1987	PH	SUSP. SOLIDS	TOTAL FE	TOTAL MN	COND.
JANUARY					
FEBRUARY					
MARCH					
APRIL					
MAY					
JUNE					
JULY	7.90	14.30	0.22	0.18	880
AUGUST	8.32	4.50	0.04	0.02	1000
SEPTEMBER	7.52	5.90	0.12	0.04	1300
OCTOBER	7.34	8.00	0.37	0.11	1200
NOVEMBER	8.47	18.50	0.45	0.22	850
DECEMBER	8.02	19.70	0.32	0.11	880

D 0360

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

Program Amendment 25 Addendum to Applications

This addendum is to be completed and submitted with permit renewals, midterm reviews, adjacent area applications, and permit applications as described in Policy/Procedure Directive, Permitting 88-6, if the original permit application does not include the information required by Program Amendment 25 effective October 1, 1988.

Applicant/Permittee The Ohio Valley Coal Company

Application/Permit No. D-0360

I, the undersigned a responsible official of the applicant, do hereby verify the information in this addendum to the permit application, and any revision made during the review process, as true and correct to the best of my information and belief.

Printed Name Robert E. Murray; Date March 30, 1989
Signature *Robert E. Murray*; Title President and Chief Executive Officer
Sworn before me and subscribed in my presence this 31st day
of MARCH, 19 89.

Claude Louis Lube
Notary Public

MY COMMISSION EXPIRES AUG. 20, 1991

1. Geology Information

- a) Submit an addendum which describes the areal and structural geology of the permit and adjacent areas and any other geologic parameters which may influence required reclamation. Additionally, address how the areal and structural geology may affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters. See Addendum A
- b) Submit an addendum which identifies each stratum shown on the Attachment 12's submitted for the application/permit area. For each stratum provide an analysis of the neutralization potential, potential acidity, total or pyritic sulfur percentage, and physical properties. If the data is unavailable, submit a test hole variance request which either:
 - 1) provides the data in another form or from an adjacent area, or
 - 2) details a plan to obtain the necessary data at the time of the first cut.

N/A - Not a Surface Mine

D 0360

2. Hydrology Description

- a) For each identifiable aquifer/waterbearing zone within the hydrologic regime complete the following table:

<u>Aquifer/Zone Identification</u>	<u>Discharge/Usage</u>
A-1 (M-1)	Not Used
A-2 (M-2)	Not Used - Formerly Domestic
A-3 (M-3)	Not Used - Formerly Domestic

- b) If public water supply sources or surface water bodies (including perennial and intermittent streams) occur within the hydrologic regime, submit an Attachment 14D. See Attachment 14D

3. Hydrologic Determination

Submit an addendum which describes the impact the proposed operation will have on sediment yield from the disturbed area and flooding or streamflow alteration. See Addendum B

4. Protection of Hydrologic Balance

Submit an addendum which describes the measures to be taken during and after the proposed surface mining operations to avoid acid or toxic drainage and to prevent material damage outside the permit area.

N/A - Not a surface operation

5. Ground Water and Surface Water Monitoring Plan

- a) In addition to the quality and quantity parameters required for quarterly monitoring and NPDES monitoring, will any other parameters be monitored? Yes, X No. If "yes," indicate the parameter(s) and the site(s) where such monitoring will occur.

- b) Do you propose or anticipate the need for a variation in the required quarterly monitoring frequency for ground and surface water sites and monthly monitoring for NPDES? Yes, X No. If "yes," describe the variation in frequency and the monitoring sites to be affected.

D 0360

6. If appropriate, describe the methods or techniques to be used for irrigation, and, if any is proposed, disease, pest, and vermin control.

N/A

7. Submit an addendum which describes the plan for minimizing to the extent possible and using the best technology currently available disturbances and adverse impacts of the operation on fish and wildlife and related environmental values and achieving enhancement of such resources where practical. See Addendum C
8. Will surface mining operations be conducted within 500' of an active underground mine? _____ Yes, X No. If "yes," submit as addenda to the permit application letters from the chief, MSHA, and the chief, Division of Mines, jointly approving of the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities.
9. Will the proposed surface mining operations cause fugitive dust resulting from erosion? _____ Yes, X No. If "yes," submit as an addendum the plan for fugitive dust control practices as required by paragraph (O) (2) of rule 1501:13-4-05 of the Administrative Code and, if required by the chief, an air quality monitoring program as required by paragraph (O) (1) of the Administrative Code.
10. Are variances from approximate original contour to be employed in the proposed surface mining operations? _____ Yes, X No. If "yes," submit an addendum to the permit application meeting the requirements of paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code.

(Note: if a variance from approximate original contour is proposed in accordance with paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code and this PA 25 Addendum is submitted as part of an "Application To Revises a Permit," then it is a significant revision and the public notice requirements of paragraph (A) of 1501:13-5-01 must be met.)

D 0360

OHIO DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF RECLAMATION

ATTACHMENT 14D
 (SURFACE WATER BODIES/PUBLIC WATER SUPPLIES)

Applicant's Name The Ohio Valley Coal Company

Surface Water/ Public Supply Identification ↓	Type of Surface Water/Public Supply	Name of Owner of Surface Water/ Public Supply	Known Uses of Surface Water/ Public Supply
Captina Creek	Perennial Stream	The Ohio Valley Coal Company	Industrial - Supplies Water for Mine and Preparation Plant
Perkins Run	Perennial Stream	The Ohio Valley Coal Company	None

Program Amendment 25
Addendum A

The Powhatan No. 6 Mine is an underground mine with very few surface impacts. Reclamation is expected to include replacement of topsoil and the re-establishment of vegetation. Therefore, the local geology, as described in Addendum No. 6 of Permit D-0360, is not expected to influence required reclamation. Similarly, the geology is not expected to affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters.

D 0360

Program Amendment 25
Addendum B

Addendum 9 in the original permit application describes the anticipated hydrologic impact. Flooding or streamflow are not expected to be affected as a result of the mining operation.

Program Amendment 25
Addendum C

The Powhatan No. 6 Mine has taken and will continue to take measures necessary to minimize and eliminate adverse impacts of its operation on fish, wildlife, and related environmental values; and to achieve enhancement of these resources where practical. Only areas where disturbance is required has been disturbed. Ponds control sediment to assure that effluent limitations are met. Slurry disposal is accomplished in an impoundment that has excellent water quality and provides outstanding water fowl and fish habitat. Nesting boxes for migratory birds were recently established for Canadian Geese at the No. 2 Slurry Impoundment. As an experimental practice, this impoundment will remain as a permanent enhancement to the environment.

Areas to be reclaimed will be covered with topsoil and planted with seed mixtures specified in Permit D-0360, Addendum 22. The plantings will contain open areas of herbaceous species, food and cover plantings of trees and shrubs, edge improvements, and travel lanes. Open areas will be scattered throughout the area and will be between one-half and five acres in size. The area to be reclaimed will include food and cover plantings of woody species to break up the expansive, open areas; they will be small and irregular in shape. As many food and cover plantings as possible will be used. Edge improvement will create a gradual transition zone between plant communities, creating wider edges and enhancing the edge effect. Travel lanes will be created by planting single rows of dense-growing shrubs or double, alternating rows incorporating two different species of shrubs. Banks of streams will be restored, where disturbed, with riparian vegetation.

MEMO

TO: Bob Foster
FROM: Jack Johannes J CJ
DATE: September 28, 1989
RE: Ohio Valley Coal Company - Permit # D-0360 - Midterm
Permit Review

As I mentioned to you on the telephone, I was peripherally involved a number of years ago when North American was establishing test plots. They had proposed direct seeding of slurry impoundments on C-Permits and two feet of non-toxic material instead of four feet was negotiated by the Attorneys.

The letter from Elmer Schanck states the plots will be established. It is quoted in requirement # 1 on the permit approval page. It could not, therefore, satisfy the requirement. It does not show anything as to whether this treatment (2 feet of non-toxic) can sustain a satisfactory cover over a prolonged period of time. The potential acidity figures in these tables is misleading in any case.

The requirement (# 1) allows that the data from the test plots established subsequent to the Schanck letter be analyzed at the time of the midterm review. The resubmission of the Schanck letter does not satisfy this permit requirement.

JCJ/tec

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

APPLICATION TO REVISE A COAL MINING PERMIT

1. Applicant's Name The Ohio Valley Coal Company
 Address 56854 Pleasant Ridge Road
 City Alledonia State Ohio Zip 43902
 Telephone No. 614 - 926 - 1351

2. Permit No. D-0360.

3. Section of mining and reclamation plan to be revised:
 Addenda 12, 13, 17, 18, 19, 22, 30, 33, 33 Supplement, 34

4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:

The revision includes changes to the mining permit to reflect recent rule changes in the Ohio Administrative Code.

5. Describe in detail the reason for requesting the revision:

The revision was requested by the Division of Reclamation as part of the mid-term permit review.

6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? Yes, No.

(Note: refer to paragraph (E)(2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

If "yes," complete the following items 7 through 9.

- 7. In the space below give the name and address of the newspaper in which the public notice is to be published.

- 8. In the space below give the text of the public notice that is to be published.

- 9. In the space below give the name and address of the public office where this application is to be filed for public viewing.

I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

Robert E. Murray	March 30, 1989
Print Name	Date
	President and Chief Executive Officer
Signature	Title

Sworn before me and subscribed in my presence
 this _____ day of _____, 19____.

 Notary Public

FOR DIVISION USE ONLY)

This request is hereby _____.

 Chief, Division of Reclamation

 Date



March 30, 1989

Mr. Tim Dieringer, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224

Dear Mr. Dieringer:

In accordance with OAC 1501:13-4-12(B), The Ohio Valley Coal Company hereby requests approval of an "experimental practice" for the reclamation of No. 2 Slurry Impoundment. The experimental practice involves the ability of the structure "to impound as part of the approved post mining land use." [OAC 5101:13-9-09(C)(2)(a)] The duration of this practice shall be from the time that the structure is reclaimed for an indefinite period of time. The reclaimed structure will provide area sportsmen with a recreational facility in the form of a larger lake. Currently, several species of fish live in the bright, green water of the No. 2 Slurry Impoundment.

We believe that the proposed experimental practice will be more environmentally protective than OAC 1501:13-4-12 in that the covering of many acres of mine waste with topsoil from adjacent borrow areas would deprive these large areas of their ability to grow substantial vegetative cover. As can be seen in the data presented herein, effluent limitations are met in the waters currently discharging from No. 2 Slurry Impoundment. This situation is not expected to change after reclamation is complete. However, water sampling, analysis, and reporting on a quarterly basis will continue for a period of five (5) years after reclamation is complete. The water sampling shall indicate the measured levels of pH, total suspended solids, total iron, total manganese, and specific conductance. If the measured levels of these parameters exceed allowable limits, the Division of Reclamation will be notified immediately in order to identify potential risks to the environment and public health and safety. If water sampling indicates that the experimental practice is a failure, the impoundment will be drained and will be reclaimed in accordance with OAC 1501:13-9-09.

This experimental practice shall be identified through newspaper advertisements by The Ohio Valley Coal Company, a copy of which is included herein.

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 18918

Mr. Tim Dieringer, Chief
March 30, 1989
Page Two

If you have any questions, please contact me.

Very truly yours,

THE OHIO VALLEY COAL COMPANY



David L. Bartsch, P.E.
Project Engineer

DLB:jlr

Enclosures

Copies to: M. R. St. John
J. R. Forrelli
File



March 30, 1989

Mr. Tim Dieringer, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224

Subject: Letter of Assurance - Permanent Impoundment

Dear Mr. Dieringer:

The No. 2 Slurry Impoundment at the Powhatan No. 6 Mine is proposed to contain all of the slurry waste that we produce for the life of the operation. When completed, it is proposed to remain as a permanent impoundment, providing fish and wildlife habitat for years to come. The Ohio Valley Coal Company is committed to the maintenance of that structure, including annual inspections.

We believe that this "experimental practice" will certainly enhance the environment. If you have any questions, please contact me.

Very truly yours,

THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Project Engineer

DLB:jlr

RESPONSES TO REQUEST FOR ARP DATED MARCH 7, 1989
PAGE TWO

- Item 6 - The No. 2 Slurry Impoundment is expected to be modified by raising the level of the dam approximately 65 ft. However, these plans requested are not complete. Once complete, they will be submitted to the Division of Reclamation in order to comply with OAC 1501:13-14-05(B) (2).
- Item 7 - The reclamation of the permit area will include grading along contours and the placement of topsoil and seed (with mulch). Since there are no highwalls, there will be no backfilling.
- Item 8 - Please refer to Addendum 18. Topsoil that is to be removed with scrapers/tractors, and/or bulldozers, will be stored and stabilized with the seed mixture indicated. Topsoil will be re-distributed with the use of scrapers/tractors and/or dozers and/or end loaders. Localized areas within the permit that have not been used for the purposes of mining or processing the coal will not be stripped of their topsoils; nor will they be covered with additional topsoil.
- Item 9 - Please refer to Addendum 22. There are no introduced species in the revegetation plan.
- Item 10 - No impoundments will remain as permanent except for the experimental practice outlined in Item 1b above. Since the impoundment is sized to hold a probable maximum precipitation event, the criteria of a fifty year, six hour event are met. Please refer to letter of assurance of maintenance enclosed.
- Item 11 - Please refer to PA 25 Addendum enclosed.

THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT NO. D-0360

RESPONSES TO REQUEST FOR ARP DATED MARCH 7, 1989

- Item 1a - See enclosed letter. It contains test results for test plots planted on similar areas (Cove Refuse Site and No. 4 Mine).
- Item 1b - See attached letter requesting approval of experimental practice.
- Item 2 - The Belmont County Commissioners, the Regional Planning Commission, and the Washington Township Trustees were contacted by telephone. There are no governmental agency plans for the permit or adjacent areas.
- Item 3 - The Ohio Valley Coal Company owns the majority of the land within the permit area. The area will have a post-mining land use of forestland/fish and wildlife habitat. The other owner of record of land within the permit area is the Consolidated Rail Corporation. They concur (see attached sheet) with the above-referenced post-mining land use.
- Item 4 - There are two structures that meet the requirements of 30 CFR 77.216. The MSHA plan that complies with 30 CFR 77.216-2 for each is on file in Morgantown, West Virginia at the MSHA office at the Mountaineer Mall.
- Item 5 - Please refer to addenda 17, 19, 33, 33 Supplement, and 34. The following is a summary list of those structures. The location of the structures are shown in the Addenda and on various drawings in the original application.

<u>Structure</u>	<u>Condition</u>	<u>Start of Construction</u>	<u>End of Construction</u>	<u>Performance Standards</u>
No. 2 Slurry Impoundment	Excellent	1976	Est. 6/89	See Water Analysis Sheet
Slope Preparation Facilities	Excellent	1970	1971	N/A
Office	Excellent	1971	1972	N/A
No. 8 Pond	Excellent	1970	1971	N/A
Refuse Site	Excellent	1972	1972	See Water Analysis Sheet
Freshwater Diversion	Excellent	1971	1971	See Addendum 33-Supplement

WATER ANALYSES - NO. 2 SLURRY IMPOUNDMENT

	PH	SUSP. SOLIDS	TOTAL FE	TOTAL MN	COND.
1987					
JANUARY	7.58	8.10	0.32	0.52	1650
FEBRUARY	7.72	6.80	0.11	0.71	1250
MARCH	7.91	4.70	0.19	0.77	1430
APRIL	7.85	6.50	0.11	0.53	1470
MAY	7.85	6.50	0.11	0.53	1470
JUNE	8.10	4.80	0.16	0.12	1600
JULY	8.00	9.50	0.21	0.08	1600
AUGUST	7.77	8.10	0.16	0.19	1900
SEPTEMBER	7.22	13.90	0.17	0.97	2200
OCTOBER	7.44	7.20	0.25	1.01	2200
NOVEMBER	7.65	5.30	0.19	0.65	2200
DECEMBER	7.61	5.70	0.20	0.69	2200

WATER ANALYSES - NO. 8 POND

	PH	SUSP. SOLIDS	TOTAL FE	TOTAL MN	COND.
1987					
JANUARY					
FEBRUARY					
MARCH					
APRIL					
MAY					
JUNE					
JULY	7.90	14.30	0.22	0.18	880
AUGUST	8.32	4.50	0.04	0.02	1000
SEPTEMBER	7.52	5.90	0.12	0.04	1300
OCTOBER	7.34	8.00	0.37	0.11	1200
NOVEMBER	8.47	18.50	0.45	0.22	850
DECEMBER	8.02	19.70	0.32	0.11	880

THE NACCO MINING COMPANY
12800 SHAKER BOULEVARD
CLEVELAND, OHIO 44120

September 29, 1983

Mr. Larry W. Mamone, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224

RE: Request for Variance from Requirements of Section 1501:13-9-14(H)(c),
Ohio Administrative Code
Powhatan Mine No. 6, MSHA I.D. No. 33-01159
Washington Township, Belmont County

Dear Mr. Mamone:

The NACCO Mining Company (NACCO), owner of Powhatan Mine No. 6 requests a variance from the requirement for placement of four feet of non-toxic non-combustible material on coal processing waste as required by Section 1501:13-9-14(H)(C) of the Ohio Administrative Code. An alternative method of reclamation is presented below.

NACCO proposes to reclaim coal processing waste by covering with soil materials that have been removed from borrow areas on the hillside adjacent to the operations. NACCO proposes to use a minimum of two feet of such soil materials. This request for a variance is based on soil and refuse sample tests which are itemized below, and our experience at two nearby refuse disposal areas.

An analysis of the soil material to be used for cover has been performed and results are given in Table 1 (Samples 1 and 2). Fertilization of this material will be provided based on a standard soil analysis to determine required rates of application.

Prior to the placement of cover material, the area will be prepared in accordance with criteria established in the Ohio Administrative Code. Once the soil material has been placed, the surface will be scarified prior to seed application to provide the appropriate seed bed.

The seed mixture and rates presented in Table 2, in addition to fertilizer, lime and mulch, will be applied by hydroseeder or mechanical spreader.

Mr. Larry W. Mamone, Chief
Division of Reclamation
Ohio Department of Natural Resources

September 29, 1983
Page Two

To confirm the acceptability of the proposed procedure, soil samples were obtained from reclaimed areas at two nearby refuse disposal facilities (Powhatan No. 4 Mine and the Cove Refuse Site) where cover thickness was approximately two feet. Sample 3 shows no degradation of material quality while Samples 4, 5, and 6 show low pH and corresponding high lime requirements. However, all sampling sites showed a healthy, dense vegetative cover.

Coal processing waste qualities at Powhatan Mine No. 6 (Sample Nos. 7 and 8) generally lie between those identified at the Cove Refuse Site (Samples 9 and 10) and the Powhatan Mine No. 4 (Samples 11 and 12). Therefore the proposed procedure should be successful at Powhatan Mine No. 6.

Based on these defined site conditions, and observed satisfactory results for two foot cover areas, we believe that the issuance of a variance would be in order. We look forward to your early response.

Very truly yours,

THE NACCO MINING COMPANY



Wm. Elmer Schanck
Chief Environmental Engineer

TABLE I

	Sample #1	Sample #2	Sample #3	Sample #4	Sample #5	Sample #6	Sample #7	Sample #8	Sample #9	Sample #10	Sample #11	Sample #12
Soil pH	5.2	5.7	7.3	4.0	4.5	4.5	2.3	6.3	2.2	1.7	8.0	8.3
Phosphorus (lbs/acre)	27.7	3.1	27.7	20.5	55.2	19.9	33.5	62.4	8.8	13.1	5.6	5.6
Potassium (lbs/acre)	135	113	76	142	98	99	136	167	159	160	388	343
% Organic Matter	0.50	2.05	1.84	2.05	0.52	0.60	6.38	5.38	7.31	4.59	7.52	8.36
Calcium (lbs/acre)	3,090	3,350	13,000	6,730	5,290	3,500	8,070	12,600	7,210	6,660	8,720	8040
Magnesium (lbs/acre)	380	330	540	880	950	860	580	690	1,020	900	330	350
Cation Exchange Capacity (meq/100 gr)	21.82	26.08	26.86	28.78	30.86	30.00	17.22	15.48	16.52	17.22	15.14	13.74
% Base Saturation	66.9	64.2	93.0	67.7	63.6	65.5	54.0	99.5	45.7	37.3	96.0	100.0
Potassium (meq/100 gr)	0.22	0.21	0.30	0.25	0.17	0.21	0.08	0.08	0.13	0.13	0.76	0.64
Sodium (meq/100 gr)	0.05	0.05	0.14	0.63	0.42	0.46	0.13	4.12	0.10	0.46	6.59	5.14
Calcium (meq/100 gr)	10.68	11.28	28.52	16.47	12.67	11.98	41.92	31.74	38.92	25.55	10.38	10.90
Magnesium (meq/100 gr)	1.89	1.59	2.60	4.10	4.06	4.67	2.53	2.24	4.31	4.03	1.38	1.30
Hydrogen (meq/100 gr)	6.35	6.75	2.38	13.89	9.92	9.13	38.09	4.76	51.58	50.97	0.79	-0.40
Buffer pH/Line Requirement (ions per acre)	5.6/4.0	5.8/3.2	/	4.3/9.2	4.9/6.8	4.7/7.6	18.4	6.5/0.4	41.6	41.6	/	/

TABLE I

Continued

	Sample 01	Sample 02	Sample 03	Sample 04	Sample 05	Sample 06	Sample 07	Sample 08	Sample 09	Sample 10	Sample 11	Sample 12
Clay %	48.9	44.9	48.5	51.5	52.5	46.9	44.9	46.9	42.5	43.9	36.5	34.9
Silt %	45.0	38.6	34.2	32.6	36.0	37.4	23.4	25.2	17.0	19.4	21.8	18.8
Sand %	6.1	16.5	17.3	15.9	11.5	15.7	31.7	27.9	40.5	36.7	41.7	46.3
Total Sulfur %							4.12	4.27	5.96	3.36	4.08	4.80
Pyritic Sulfur %							1.67	3.22	2.88	1.10	3.23	3.83
Sulfate %							1.89	0.650	2.50	1.86	0.376	0.447
Organic Sulfur %							0.561	0.389	0.581	0.403	0.468	0.522
Paste pH							2.3	6.5	2.1	1.6	7.4	7.7
Neutralization Potential (tens/1,000 tons Ca CO ₃ Eq)							-8.38	+39.14	-18.81	-18.85	+14.38	+13.90
Potential Acidity (tens/1,000 tons CaCO ₃ Eq)							52.19	100.62	90.0	34.38	100.94	119.69
Acid Base Potential (tens/1,000 tons Ca CO ₃ Eq)							-60.57	-61.58	-108.81	-53.23	-86.56	-105.79

TABLE 2

Seed Mixture

<u>Type</u>	<u>% Purity</u>	<u>% Germination</u>	<u>Lbs. Per Acre</u>
Kentucky 31-Tall Fescue (Festuco arundinacea)	98	85	25
Perennial Rye Grass (Lolium peretne)	97	90	10
Birdsfoot Trefoil (Lotus corniculatus)	98	90	10
Alsike Clover (Trifolium hybridum)	98	90	10
Orchard Grass (Dactylis glomerata)	94	85	10
Black Locust (Robinia pseudoacocia)	98	90	3
Spring Barley (March, April only) (Hordeum Vulgare-Moores)	98	90	50
Buckwheat (May, June only) (Polygonum Conuolvulus)	98	90	50
Common Foxtail Millet (July, August only) (Setatia italica)	98	90	50
Winter Barley (September, October only) (Hordeum Vulgare-Pennrad)	98	90	50
Japenese Millet (wet areas only) (Echinochlos frumentacco)	98	90	50

Each acre will aslo receive after or with seeding either 2 tons fresh hay, 50 gallons of "latex" or 1200 lbs. of paper or wood fiber mulch. Mulches will be selected based on field conditions and weather. Application will be accomplished manually, by mechanical blower or by hydro seeder.

P-622 182 264

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)



Sent to Consolidated Rail Corp.	
100 Fleet Street	
Pittsburgh, PA 15220	
Postage	\$
Certified Fee	

March 20, 1989

Consolidated Rail Corporation
Jacob Engineering Building
100 Fleet Street
Pittsburgh, Pennsylvania 15220

3. Article Addressed to: Consolidated Rail Corporation Jacob Engineering Building 100 Fleet Street Pittsburgh, Pennsylvania 15220	
4. Type of Service: <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	Article Number P-622-182-264
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X	
6. Signature - Agent X <i>R. P. [Signature]</i>	
7. Date of Delivery 3-21-89	
8. Addressee's Address (ONLY if requested and fee paid)	

As landowner of the area described below, I/we are aware that the proposed post-mining land use will be forest land/fish and wildlife habitat. The area is associated with Permit D-0360, located in Section 28 of Washington Township, Belmont County, Ohio.

Please return this form within five (5) days after receipt if there is a disagreement in the proposed land use. Failure to return this form will be understood by The Ohio Valley Coal Company to be agreement with the proposed land use.

Description of area: All that certain strip of land lying within Lessor's right of way line between Survey Station 699+75 northwesterly to Survey Station 812+30, containing an area of 15.0 acres, more or less, west of Alledonia and situated in the Township of Washington, County of Belmont, State of Ohio.

I/we disagree with the proposed land use.

Landowner

Date

Landowner

Date

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

Program Amendment 25 Addendum to Applications

This addendum is to be completed and submitted with permit renewals, midterm reviews, adjacent area applications, and permit applications as described in Policy/Procedure Directive, Permitting 88-6, if the original permit application does not include the information required by Program Amendment 25 effective October 1, 1988.

Applicant/Permittee The Ohio Valley Coal Company

Application/Permit No. D-0360

I, the undersigned a responsible official of the applicant, do hereby verify the information in this addendum to the permit application, and any revision made during the review process, as true and correct to the best of my information and belief.

Printed Name Robert E. Murray; Date March 30, 1989

Signature _____; Title President and Chief Executive Officer

Sworn before me and subscribed in my presence this _____ day
of _____, 19 ____.

Notary Public

1. Geology Information

a) Submit an addendum which describes the areal and structural geology of the permit and adjacent areas and any other geologic parameters which may influence required reclamation. Additionally, address how the areal and structural geology may affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters. See Addendum A

b) Submit an addendum which identifies each stratum shown on the Attachment 12's submitted for the application/permit area. For each stratum provide an analysis of the neutralization potential, potential acidity, total or pyritic sulfur percentage, and physical properties. If the data is unavailable, submit a test hole variance request which either:

- 1) provides the data in another form or from an adjacent area, or
- 2) details a plan to obtain the necessary data at the time of the first cut.

N/A - Not a Surface Mine.

2. Hydrology Description

a) For each identifiable aquifer/waterbearing zone within the hydrologic regime complete the following table:

<u>Aquifer/Zone Identification</u>	<u>Discharge/Usage</u>
A-1 (W-1)	Not Used
A-2 (W-2)	Not Used - Formerly Domestic
A-3 (W-3)	Not Used - Formerly Domestic

b) If public water supply sources or surface water bodies (including perennial and intermittent streams) occur within the hydrologic regime, submit an Attachment 14D. See Attachment 14D

3. Hydrologic Determination

Submit an addendum which describes the impact the proposed operation will have on sediment yield from the disturbed area and flooding or streamflow alteration. See Addendum B

4. Protection of Hydrologic Balance

Submit an addendum which describes the measures to be taken during and after the proposed surface mining operations to avoid acid or toxic drainage and to prevent material damage outside the permit area.

N/A - Not a surface operation

5. Ground Water and Surface Water Monitoring Plan

a) In addition to the quality and quantity parameters required for quarterly monitoring and NPDES monitoring, will any other parameters be monitored? _____ Yes, X No. If "yes," indicate the parameter(s) and the site(s) where such monitoring will occur.

b) Do you propose or anticipate the need for a variation in the required quarterly monitoring frequency for ground and surface water sites and monthly monitoring for NPDES? _____ Yes, X No. If "yes," describe the variation in frequency and the monitoring sites to be affected.

6. If appropriate, describe the methods or techniques to be used for irrigation, and, if any is proposed, disease, pest, and vermin control.

N/A

7. Submit an addendum which describes the plan for minimizing to the extent possible and using the best technology currently available disturbances and adverse impacts of the operation on fish and wildlife and related environmental values and achieving enhancement of such resources where practical. See Addendum C
8. Will surface mining operations be conducted within 500' of an active underground mine? _____ Yes, X No. If "yes," submit as addenda to the permit application letters from the chief, MSHA, and the chief, Division of Mines, jointly approving of the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities.
9. Will the proposed surface mining operations cause fugitive dust resulting from erosion? _____ Yes, X No. If "yes," submit as an addendum the plan for fugitive dust control practices as required by paragraph (O) (2) of rule 1501:13-4-05 of the Administrative Code and, if required by the chief, an air quality monitoring program as required by paragraph (O) (1) of the Administrative Code.
10. Are variances from approximate original contour to be employed in the proposed surface mining operations? _____ Yes, X No. If "yes," submit an addendum to the permit application meeting the requirements of paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code.

(Note: if a variance from approximate original contour is proposed in accordance with paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code and this PA 25 Addendum is submitted as part of an "Application To Revise a Permit," then it is a significant revision and the public notice requirements of paragraph (A) of 1501:13-5-01 must be met.)

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

ATTACHMENT 14D
(SURFACE WATER BODIES/PUBLIC WATER SUPPLIES)

Applicant's Name The Ohio Valley Coal Company

Surface Water/ Public Supply Identification #	Type of Surface Water/Public Supply	Name of Owner of Surface Water/ Public Supply	Known Uses of Surface Water/ Public Supply
Captina Creek	Perennial Stream	The Ohio Valley Coal Company	Industrial - Supplies Water for Mine and Preparation Plant
Perkins Run	Perennial Stream	The Ohio Valley Coal Company	None

Program Amendment 25
Addendum A

The Powhatan No. 6 Mine is an underground mine with very few surface impacts. Reclamation is expected to include replacement of topsoil and the re-establishment of vegetation. Therefore, the local geology, as described in Addendum No. 6 of Permit D-0360, is not expected to influence required reclamation. Similarly, the geology is not expected to affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters.

Program Amendment 25
Addendum B

Addendum 9 in the original permit application describes the anticipated hydrologic impact. Flooding or streamflow are not expected to be affected as a result of the mining operation.

Program Amendment 25
Addendum C

The Powhatan No. 6 Mine has taken and will continue to take measures necessary to minimize and eliminate adverse impacts of its operation on fish, wildlife, and related environmental values; and to achieve enhancement of these resources where practical. Only areas where disturbance is required has been disturbed. Ponds control sediment to assure that effluent limitations are met. Slurry disposal is accomplished in an impoundment that has excellent water quality and provides outstanding water fowl and fish habitat. Nesting boxes for migratory birds were recently established for Canadian Geese at the No. 2 Slurry Impoundment. As an experimental practice, this impoundment will remain as a permanent enhancement to the environment.

Areas to be reclaimed will be covered with topsoil and planted with seed mixtures specified in Permit D-0360, Addendum 22. The plantings will contain open areas of herbaceous species, food and cover plantings of trees and shrubs, edge improvements, and travel lanes. Open areas will be scattered throughout the area and will be between one-half and five acres in size. The area to be reclaimed will include food and cover plantings of woody species to break up the expansive, open areas; they will be small and irregular in shape. As many food and cover plantings as possible will be used. Edge improvement will create a gradual transition zone between plant communities, creating wider edges and enhancing the edge effect. Travel lanes will be created by planting single rows of dense-growing shrubs or double, alternating rows incorporating two different species of shrubs. Banks of streams will be restored, where disturbed, with riparian vegetation.



October 5, 1989

Mr. Robert Foster
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224

Dear Mr. Foster:

Find enclosed three sets of Application to Revise Permit (ARP) forms as requested by your office. The first is a new ARP form for the Midterm Permit Review (MPR). The two remaining forms address the establishment of test plots and the proposed experimental practice for the No. 2 Slurry Impoundment.

I am also enclosing a revised response sheet to your request for ARP dated March 7, 1989, for the MPR. Items 1a, 1b, and 5 are changed. MSHA approval letters for item 4 are enclosed as well.

If you have any questions, please contact me.

Very truly yours,

THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Project Engineer

DLB: jlr
Enclosures
Copies to:

J. R. Forrelli
M. R. St. John
File

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 18937

THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT NO. D-0360

RESPONSES TO REQUEST FOR ARP DATED MARCH 7, 1989

- Item 1a - To be addressed under a separate ARP.
- Item 1b - To be addressed under a separate ARP.
- Item 2 - The Belmont County Commissioners, the Regional Planning Commission, and the Washington Township Trustees were contacted by telephone. There are no governmental agency plans for the permit or adjacent areas.
- Item 3 - The Ohio Valley Coal Company owns the majority of the land within the permit area. The area will have a post-mining land use of forestland/fish and wildlife habitat. The other owner of record of land within the permit area is the Consolidated Rail Corporation. They concur (see attached sheet) with the above-referenced post-mining land use.
- Item 4 - There are two structures that meet the requirements of 30 CFR 77.216. The MSHA plan that complies with 30 CFR 77.216-2 for each is on file in Morgantown, West Virginia at the MSHA office at the Mountaineer Mall. Copies of the approval letters for these plans are enclosed.
- Item 5 - Please refer to addenda 17, 19, 33, 33 Supplement, and 34. The following is a summary list of those structures. The location of the structures are shown in the Addenda and on various drawings in the original application.

<u>Structure</u>	<u>Condition</u>	<u>Start of Construction</u>	<u>End of Construction</u>	<u>Performance Standards</u>
No. 2 Slurry Impoundment	Excellent	1976	Est. 6/89	See Water Analysis Sheet
Slope Preparation Facilities	Excellent	1970	1971	N/A
Office	Excellent	1971	1972	N/A
Refuse Site	Excellent	1970	1971	N/A
Freshwater Diversion	Excellent	1971	1971	See Addendum 33-Supplement



September 20, 1982

Mr. Wm. Elmer Schanck
Chief Environmental Engineer
The NACCO Mining Company
Powhatan Point, OH 43942

Dear Mr. Schanck:

This is to acknowledge receipt of your engineering plan modification entitled, "Request for Modification, Slurry Impoundment No. 2, I.D. No. 1211 OH8 0025-03, The NACCO Mining Company, Powhatan No. 6 mine, I.D. No. 33-01159," dated September 7, 1982.

Based on the information submitted, the modification is approved and is now a part of the approved engineering plan for design, construction and maintenance of Slurry Impoundment No. 2.

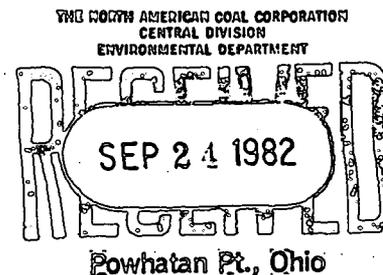
The request for this modification is based on the assumption that an engineering plan modification will be submitted in the future requesting the raising of the crest of this structure. This modification permits the elimination of placing riprap on the upstream face of the impoundment. This modification permits a delay in completion of the emergency spillway until the water, sediment or slurry reaches elevation 1049.5. This modification also permits the placing of a coarse refuse test fill area in the reservoir adjacent to the embankment face to evaluate the feasibility of upstream construction at this site.

The placing of a test section requires the use of coarse refuse generated by the preparation plant during the clearing process. The approved abandonment plan for No. 1 Slurry Pond, I.D. No. 1211 OH8 0025-02, requires that all coarse refuse be used to fill the reservoir area. This abandonment plan is therefore modified to permit the placement of coarse refuse in this test section. Only that amount of refuse needed for the test may be excluded from placement in the abandonment area.

If you have any questions concerning this matter, please advise.

Sincerely,

Acting District Manager
Coal Mine Safety and Health
District 8



FILE: ED-6.2.3.6.



February 26, 1985

Mr. Wm. Elmer Schanck
Chief Environmental Engineer
The NACCO Mining Company
Powhatan No. 6 Mine
Powhatan Point, OH 43942

Dear Mr. Schanck:

A review has been completed on the engineering plan and the as-built construction of the Powhatan No. 6 mine, Water Quality Treatment Pond No. 10, I.D. No. 1211 OH08 00025-05. Based on the information submitted, the as-built construction is approved.

Section 77.216-2(b) requires that any changes or modifications to this plan and construction be approved by the District Manager prior to the initiation of such changes or modifications.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Childers".

Maurice S. Childers
District Manager
Coal Mine Safety and Health
District 8

cc: Mr. Barry L. Sutphin, Geotechnical Engineer
The North American Coal Corporation, 4200 Shaker Blvd.
Cleveland, OH 44120

RECEIVED

MAR 1 1985

THE NACCO MINING CO.
Environmental Dept.

RECEIVED

~~RECEIVED~~ 1985

THE NACCO MINING CO.
Environmental Dept.

11/88

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

APPLICATION TO REVISE A COAL MINING PERMIT

1. Applicant's Name The Ohio Valley Coal Company
Address 56854 Pleasant Ridge Road
City Alledonia State Ohio Zip 43902
Telephone No. 614 - 926 - 1351

2. Permit No. D-0360.

3. Section of mining and reclamation plan to be revised:

Part 3, Page 17, A(5)(a), Addendum No. 17

4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:

A proposed experimental practice for the reclamation of the No. 2 Slurry Impoundment to meet the requirements of OAC : 13-4-12(B) and 1501:13-9-09(C).

5. Describe in detail the reason for requesting the revision:

This revision is a result of a permit condition established at the time of permit issuance.

6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? X Yes, No.

(Note: refer to paragraph (E)(2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

If "yes," complete the following items 7 through 9.

TOVCC 18941

7. In the space below give the name and address of the newspaper in which the public notice is to be published.

Martins Ferry Times Leader
200 S. 4th Street
Martins Ferry, Ohio 43935

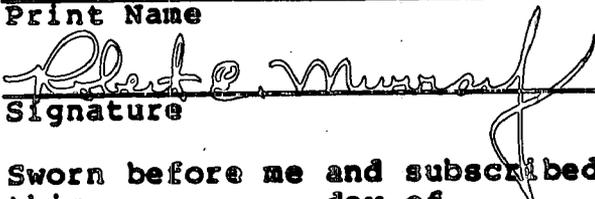
8. In the space below give the text of the public notice that is to be published.

See attached page

9. In the space below give the name and address of the public office where this application is to be filed for public viewing.

Ohio Department of Natural Resources
Division of Reclamation
51461 Jenifer Lane
St. Clairsville, Ohio 43950

I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

Robert E. Murray	_____
Print Name	Date
	President and
Signature	Chief Executive Officer
	Title

Sworn before me and subscribed in my presence
this _____ day of _____, 19____.

Notary Public

FOR DIVISION USE ONLY)

This request is hereby _____.

_____ Chief, Division of Reclamation	_____ Date
---	---------------

11/88

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

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Address 56854 Pleasant Ridge Road
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Telephone No. 614 - 926 - 1351

2. Permit No. D-0360.

3. Section of mining and reclamation plan to be revised:

Part 3, Page 20, D(4), (5), (6), (7), Addendum No. 22.

4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:

Submit test results for test plots planted on similar areas and on identification of the similar area with supporting documentation.

5. Describe in detail the reason for requesting the revision:

The revision is a result of a permit condition established at the time of permit issuance.

6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? Yes, X No.

(Note: refer to paragraph (E)(2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

If "yes," complete the following items 7 through 9.

7. In the space below give the name and address of the newspaper in which the public notice is to be published.

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I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

Robert E. Murray
Print Name

Robert E. Murray
Signature

Date
President and
Chief Executive Officer
Title

Sworn before me and subscribed in my presence
this _____ day of _____, 19____.

Notary Public

FOR DIVISION USE ONLY)

This request is hereby _____.

Chief, Division of Reclamation

Date

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2. Permit No. D-0360.

3. Section of mining and reclamation plan to be revised:

Addenda 12, 13, 18, 19, 30, 33 Supplement, 34 plus the inclusion of the PA 25 addendum.

4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:

The revisions bring the permit into compliance with the current requirements of the Ohio Administrative Code.

5. Describe in detail the reason for requesting the revision:

The revisions are a result of a mid term permit review conducted by the Division of Reclamation.

6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? Yes, X No.

(Note: refer to paragraph (E) (2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

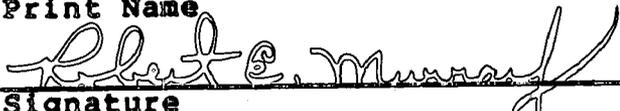
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- 7. In the space below give the name and address of the newspaper in which the public notice is to be published.

- 8. In the space below give the text of the public notice that is to be published.

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Robert E. Murray	
Print Name	Date
	President and Chief Executive Officer
Signature	Title

Sworn before me and subscribed in my presence
 this _____ day of _____, 19____.

 Notary Public

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This request is hereby _____.

 Chief, Division of Reclamation

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This revision is a result of a permit condition established at the time of permit issuance.

6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? X Yes, No.

(Note: refer to paragraph (E) (2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

If "yes," complete the following items 7 through 9.

TOVCC 18947

- 7. In the space below give the name and address of the newspaper in which the public notice is to be published.

Martins Ferry Times Leader
 200 S. 4th Street
 Martins Ferry, Ohio 43935

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 Division of Reclamation
 51461 Jenifer Lane
 St. Clairsville, Ohio 43950

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Robert E. Murray	
Print Name	Date
	President and Chief Executive Officer
Signature	Title

Sworn before me and subscribed in my presence
 this _____ day of _____, 19____.

 Notary Public

FOR DIVISION USE ONLY)

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Chief, Division of Reclamation	Date

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5. Describe in detail the reason for requesting the revision:

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6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? Yes, X No.

(Note: refer to paragraph (E) (2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

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- 8. In the space below give the text of the public notice that is to be published.

- 9. In the space below give the name and address of the public office where this application is to be filed for public viewing.

I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

Robert E. Murray	
Print Name	Date
	President and Chief Executive Officer
Signature	Title

Sworn before me and subscribed in my presence
 this _____ day of _____, 19____.

 Notary Public

FOR DIVISION USE ONLY)

This request is hereby _____.

Chief, Division of Reclamation	Date

11/88

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

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the PA 25 addendum.

4. Describe in detail the proposed revision and submit any
necessary drawings, plans, maps, etc.:

The revisions bring the permit into compliance with the current
requirements of the Ohio Administrative Code.

5. Describe in detail the reason for requesting the revision:

The revisions are a result of a mid term permit review conducted
by the Division of Reclamation.

6. Will this revision constitute a significant alteration from
the mining and reclamation operations contemplated in the
original permit? Yes, X No.

(Note: refer to paragraph (E) (2) of 1501:13-4-06 of the Ohio
Administrative Code for information concerning significant
revisions.)

If "yes," complete the following items 7 through 9.

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	President and Chief Executive Officer
Signature	Title

Sworn before me and subscribed in my presence
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 Notary Public

FOR DIVISION USE ONLY)

This request is hereby _____.

Chief, Division of Reclamation	Date

P-622 182 131

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to Warren Ellis - OH Div. Mines	
Street and No. 2323 W. Fifth St.	
P.O., State and ZIP Code PO Box 825 Col., OH 43216	
Postage	\$.25
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.00
Postmark or Date 3-22-89	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery
↑(Extra charge)↑ ↑(Extra charge)↑

3. Article Addressed to: Mr. Warren Ellis Ohio Div. of Mines 2323 W. Fifth Ave. PO Box 825 Columbus, OH 43216	4. Article Number P. 622 182 131 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	7. Date of Delivery

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

RETURN TO 

Print Sender's name, address, and ZIP Code in the space below.

The Ohio Valley Coal Corp.
56854 Pleasant Ridge Rd.
Allerton, OH 43902

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

ATTACHMENT 14D
(SURFACE WATER BODIES/PUBLIC WATER SUPPLIES)

Applicant's Name The Ohio Valley Coal Company

Surface Water/ Public Supply Identification #	Type of Surface Water/Public Supply	Name of Owner of Surface Water/ Public Supply	Known Uses of Surface Water/ Public Supply
Captain Creek	Perennial Stream	The Ohio Valley Coal Company	Industrial - supplies water for mine and preparation plant
Perkins Run	Perennial Stream	The Ohio Valley Coal Company	none

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

Program Amendment 25 Addendum to Applications

This addendum is to be completed and submitted with permit renewals, midterm reviews, adjacent area applications, and permit applications as described in Policy/Procedure Directive, Permitting 88-6, if the original permit application does not include the information required by Program Amendment 25 effective October 1, 1988.

Applicant/Permittee The Ohio Valley Coal Company

Application/Permit No. D-0360

I, the undersigned a responsible official of the applicant, do hereby verify the information in this addendum to the permit application, and any revision made during the review process, as true and correct to the best of my information and belief.

Printed Name ROBERT E. MURRAY; Date _____

Signature _____; Title PRESIDENT AND CEO

Sworn before me and subscribed in my presence this _____ day of _____, 19 ____.

Notary Public

1. Geology Information

a) Submit an addendum which describes the areal and structural geology of the permit and adjacent areas and any other geologic parameters which may influence required reclamation. Additionally, address how the areal and structural geology may affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters.

b) See Addendum A
Submit an addendum which identifies each stratum shown on the Attachment 12's submitted for the application/permit area. For each stratum provide an analysis of the neutralization potential, potential acidity, total or pyritic sulfur percentage, and physical properties. If the data is unavailable, submit a test hole variance request which either:

- 1) provides the data in another form or from an adjacent area, or
- 2) details a plan to obtain the necessary data at the time of the first cut.

N/A - Not a Surface Mine

2. Hydrology Description

a) For each identifiable aquifer/waterbearing zone within the hydrologic regime complete the following table:

<u>Aquifer/Zone Identification</u>	<u>Discharge/Usage</u>
A-1 (W-1)	Not Used
A-2 (W-2)	Not Used - Formerly Domestic
A-3 (W-3)	Not Used - Formerly Domestic

b) If public water supply sources or surface water bodies (including perennial and intermittent streams) occur within the hydrologic regime, submit an Attachment 14D.

See Attachment 14D

3. Hydrologic Determination

Submit an addendum which describes the impact the proposed operation will have on sediment yield from the disturbed area and flooding or streamflow alteration.

See Addendum B

4. Protection of Hydrologic Balance

Submit an addendum which describes the measures to be taken during and after the proposed surface mining operations to avoid acid or toxic drainage and to prevent material damage outside the permit area.

N/A - Not a surface operation.

5. Ground Water and Surface Water Monitoring Plan

a) In addition to the quality and quantity parameters required for quarterly monitoring and NPDES monitoring, will any other parameters be monitored? Yes, X No. If "yes," indicate the parameter(s) and the site(s) where such monitoring will occur.

b) Do you propose or anticipate the need for a variation in the required quarterly monitoring frequency for ground and surface water sites and monthly monitoring for NPDES? Yes, X No. If "yes," describe the variation in frequency and the monitoring sites to be affected.

6. If appropriate, describe the methods or techniques to be used for irrigation, and, if any is proposed, disease, pest, and vermin control.

N/A

7. Submit an addendum which describes the plan for minimizing to the extent possible and using the best technology currently available disturbances and adverse impacts of the operation on fish and wildlife and related environmental values and achieving enhancement of such resources where practical. *See Addendum C*
8. Will surface mining operations be conducted within 500' of an active underground mine? _____ Yes, No. If "yes," submit as addenda to the permit application letters from the chief, MSHA, and the chief, Division of Mines, jointly approving of the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities.
9. Will the proposed surface mining operations cause fugitive dust resulting from erosion? _____ Yes, No. If "yes," submit as an addendum the plan for fugitive dust control practices as required by paragraph (O) (2) of rule 1501:13-4-05 of the Administrative Code and, if required by the chief, an air quality monitoring program as required by paragraph (O) (1) of the Administrative Code.
10. Are variances from approximate original contour to be employed in the proposed surface mining operations? _____ Yes, No. If "yes," submit an addendum to the permit application meeting the requirements of paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code.

(Note: if a variance from approximate original contour is proposed in accordance with paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code and this PA 25 Addendum is submitted as part of an "Application To Revise a Permit," then it is a significant revision and the public notice requirements of paragraph (A) of 1501:13-5-01 must be met.)

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

APPLICATION TO REVISE A COAL MINING PERMIT

1. Applicant's Name The Ohio Valley Coal Company
 Address 56854 Pleasant Ridge Road
 City Alliedonia State OH zip 43950
 Telephone No. 614 - 926 - 1351
2. Permit No. D-0360.
3. Section of mining and reclamation plan to be revised:
Addenda 12, 13, 17, 18, 19, 22, 30, 33, 33 Supplement, 34.
4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:
The revision includes changes to the mining permit to reflect recent rule changes in the Ohio Administrative Code. ~~The revisions~~
5. Describe in detail the reason for requesting the revision:
The revision was requested by the Division of Reclamation as part of the mid-term permit review.
6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? Yes, No.

(Note: refer to paragraph (E)(2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

If "yes," complete the following items 7 through 9.

- 7. In the space below give the name and address of the newspaper in which the public notice is to be published.

- 8. In the space below give the text of the public notice that is to be published.

- 9. In the space below give the name and address of the public office where this application is to be filed for public viewing.

I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

Robert E. Murray
 Print Name

 Date

 Signature

 Title

Sworn before me and subscribed in my presence
 this _____ day of _____, 19____.

 Notary Public

FOR DIVISION USE ONLY)

This request is hereby _____.

 Chief, Division of Reclamation

 Date



March 31, 1989

Mr. Tim Dieringer, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224

Dear Mr. Dieringer:

Find enclosed an Application to Revise a Coal Mining Permit for Permit D-0360. The revision was requested as part of your mid-term permit review letter dated March 7, 1989.

Please contact me if you have any questions. Your prompt consideration in this matter would be greatly appreciated.

Very truly yours,

THE OHIO VALLEY COAL COMPANY

David L. Bartsch

David L. Bartsch, P.E.
Project Engineer

DLB:jl
Enclosure
Copies to: M. R. St. John
J. R. Forrelli
File



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224
(614) 265-6633

March 7, 1989

The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio
43902

Subject: Midterm Permit Review, Permit D-0360

Gentlemen:

To comply with rule 1501: 13-4-06 (P) of the Ohio Administrative Code, the Division has completed a midterm permit review of permit D-0360. To bring your permit into compliance with Ohio's mining and reclamation law and rules, you are requested to submit to the Columbus office within 45 days after actual or constructive receipt of this letter an "Application to Revise a Coal Mining Permit" which contains the following:

(PLEASE NOTE: Failure to submit a complete and correct "Application to Revise a Coal Mining Permit" within the 45 day period will result in the issuance of a Chief's Order. If the requirements of the Chief's Order are not met, additional enforcement action will occur.)

1. There are two permit conditions on D-0360 which were imposed at the time of issuance. Comply with the following:
 - a. Since test plots on the coal processing waste were to be established, submit your results. If test plots have not been established, you have two options: (1) establish test plots on the coal processing waste (a written commitment to do so will be required as well as a commitment to the duration of the testing period), or (2) submit test results for test plots planted on similar areas (identify the similar area and provide documentation supporting the comparison).

Richard F. Celeste, Governor



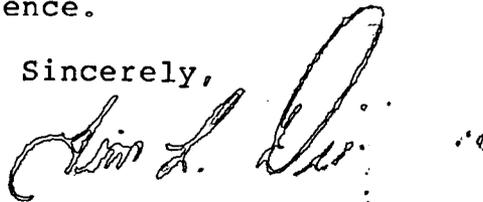
TOVCC 18964

- b. The second permit condition concerned a possible experimental practice for pond 002 if water was to be impounded above the slurry during final reclamation of the disposal site. Per 1501:13-9-09 (C), Ohio Administrative Code, such a proposal is no longer allowable, thus you must indicate this proposal is being deleted from your permit and address how you will comply with 1501: 13-9-09 (C) for the impounding structure.
2. an indication if there are existing land use policies and plans adopted by a governmental agency for the permit and adjacent areas and either a description of the land use policy or plan or the source of information upon which a negative determination was made as required by 13-4-05 (F) (2).
 3. a copy of the comments concerning the proposed land use from the legal or equitable owner of record of the surface of the permit area as required by 13-4-05 (F) (2).
 4. an indication if any water, sediment, or slurry impoundments meet the requirements of 30 C.F.R. 77.216 and, if so, submittal of a plan which complies with 30 C.F.R. 77.216-2 as required by 13-4-05 (H) (3) (c).
 5. a description of each existing structure proposed to be used or currently used in connection with or to facilitate the coal mining and reclamation operation including the location, the plans of the structure which describe its current condition, the approximate beginning and ending dates for construction, and a showing, including relevant monitoring data or other evidence, whether the structure meets the performance standards as required by 13-4-05 (B) (1).
 6. a compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate the coal mining and reclamation operation including the design specifications for the modification or reconstruction, a construction schedule showing dates for beginning and completing interim steps and final reconstruction, provisions for monitoring the structure during and after modification or reconstruction, and a showing that the risk of harm to the environment or to public health or safety is not significant during modification or reconstruction as required by 13-4-05 (B) (2).

7. a description of the backfilling, soil stabilization, and grading as required by 13-4-05 (D)(2)(b).
8. a description of the removal, storage, and redistribution of topsoil, subsoil, and other material to meet the requirements to rule 1501: 13-9-03 of the Administration Code as required by 13-4-05 (D)(2)(c).
9. an indication if the revegetation plan includes any introduced species and, if so, an identification of the species and a demonstration of compliance with the rules as required by 13-9-11(A).
10. an indication if any impoundments will remain as permanent and, if so, submittal of the demonstration required by 13-9-04 (H)(2)(a-h) and a letter of assurance of maintenance as required by 1513.16 (F)(3)(b).
11. as a reminder, this midterm permit review must be submitted on the revised A.R.P. form (see Policy/Procedure Directive Permitting 88-7). Additionally, submit the completed PA 25 Addendum (per PPD, Permitting 88-6).

If you have any questions, please contact Bob Foster in the Columbus office at your convenience.

Sincerely,



Tim L. Dieringer, Chief
Division of Reclamation

TLD:BF:jl

cc: Jack Graham, St. Clairsville District Office

Certified Mail #P 790 105 021

TOVCC 18966



March 23, 1989

Mr. Frank Andeits
Consolidated Rail Corporation
Jacob Engineering Building
100 Fleet Street
Pittsburgh, PA 15220

Dear Mr. Andeits:

As per our phone conversation today, I have examined the Conrail mapping for the area that lies within our permit boundary. The area may be found on Map Number V24 Ohio 15.15-Captina Branch; Start Station 762 + 05.57; End Station 781 + 61.77.

As I explained to you, we are required by the Ohio Administrative Code to provide post-mining land uses for our permit areas. Basically, the response is a formality and can be changed if the need arises in the future. Designation of the area as forest land/fish and wildlife habitat merely states that there are no current plans to develop the area as an industrial center, etc. Once you look at the site map, I believe that you will agree since the area is in the center of a farming community. Also, since the permit is Ohio Valley's, you will not be bound by any statements that you make.

If you prefer, please send me a letter that indicates the current plans for the area. I am enclosing the request for an application to revise a permit from ODNR, and I have highlighted the pertinent item. If you have any questions, please contact me.

Very truly yours,

THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Project Engineer

DLB:pjr

Enc.

cc: C. L. Luke
File

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 18967

- b. The second permit condition concerned a possible experimental practice for pond 002 if water was to be impounded above the slurry during final reclamation of the disposal site. Per 1501:13-9-09 (C), Ohio Administrative Code, such a proposal is no longer allowable, thus you must indicate this proposal is being deleted from your permit and address how you will comply with 1501: 13-9-09 (C) for the impounding structure.
2. an indication if there are existing land use policies and plans adopted by a governmental agency for the permit and adjacent areas and either a description of the land use policy or plan or the source of information upon which a negative determination was made as required by 13-4-05 (F) (2).
 3. a copy of the comments concerning the proposed land use from the legal or equitable owner of record of the surface of the permit area as required by 13-4-05 (F) (2).
 4. an indication if any water, sediment, or slurry impoundments meet the requirements of 30 C.F.R. 77.216 and, if so, submittal of a plan which complies with 30 C.F.R. 77.216-2 as required by 13-4-05 (H) (3) (c).
 5. a description of each existing structure proposed to be used or currently used in connection with or to facilitate the coal mining and reclamation operation including the location, the plans of the structure which describe its current condition, the approximate beginning and ending dates for construction, and a showing, including relevant monitoring data or other evidence, whether the structure meets the performance standards as required by 13-4-05 (B) (1).
 6. a compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate the coal mining and reclamation operation including the design specifications for the modification or reconstruction, a construction schedule showing dates for beginning and completing interim steps and final reconstruction, provisions for monitoring the structure during and after modification or reconstruction, and a showing that the risk of harm to the environment or to public health or safety is not significant during modification or reconstruction as required by 13-4-05 (B) (2).

PUBLIC NOTICE

The Ohio Valley Coal Company; 56854 Pleasant Ridge Road; Alledonia, Ohio 43902 has requested approval of an experimental practice at its Powhatan No. 6 Mine. The practice proposes to maintain the No. 2 Slurry Impoundment as a permanent impoundment to provide fish and wildlife habitat for the area. The impoundment is located in Washington Township Sections 29 and 35, in Belmont County. Public comments regarding this practice may be made to the Department of Natural Resources; Fountain Square; Columbus, Ohio 43224.

P-622 182 264

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 153-506

Send to:
Consolidated Rail Corp.
Jacob Engineering Building
100 Fleet Street

P.O., State and ZIP Code
Pittsburgh, PA 15220

PS Form 3800, June 1985

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

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CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Enclose front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

PS Form 3811, July 1983 447-803

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.

2. Restricted Delivery.

3. Article Addressed to:
 Consolidated Rail Corporation
 Jacob Engineering Building
 100 Fleet Street
 Pittsburgh, Pennsylvania 15220

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P-022 182 264

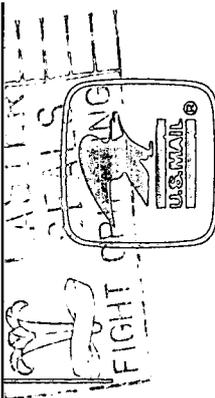
Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X

6. Signature - Agent
X *R. C. Stropie*

7. Date of Delivery
3-21-89

8. Addressee's Address (ONLY if requested and fee paid)



PENALTY FOR PRIVATE USE: \$300

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SENDER INSTRUCTIONS 1989
Print your name, address, and ZIP Code in the space below.
o Complete items 1, 2, 3, and 4 on the reverse.
o Attach to front of article if copies permitted.
o Enclosure affix to back of article.
o Enclose article "Return Receipt Requested" adjacent to number.

RETURN TO

The Ohio Valley Coal Company - D.L. Bartsch
(Name of Sender)
56854 Pleasant Ridge Road
(No. and Street, Apt., Suite, P.O. Box or R.D. No.)
Alladonia, Ohio 43902
(City, State, and ZIP Code)



March 20, 1989

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Consolidated Rail Corporation
Jacob Engineering Building
100 Fleet Street
Pittsburgh, Pennsylvania 15220

Dear Sirs:

Find enclosed a form that must be completed by your personnel in order to assist us in revising our mining permit. The form defines the proposed post-mining land use. The changes do not affect your property. However, please feel free to contact me if you have any questions.

For your convenience, not replying to this inquiry will indicate agreement with the proposed land use. Thank you for your time and consideration.

Very truly yours,

THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Project Engineer

DLB:jlr

Enclosure

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 18974



March 20, 1989

Consolidated Rail Corporation
Jacob Engineering Building
100 Fleet Street
Pittsburgh, Pennsylvania 15220

As landowner of the area described below, I/we are aware that the proposed post-mining land use will be forest land/fish and wildlife habitat. The area is associated with Permit D-0360, located in Section 28 of Washington Township, Belmont County, Ohio.

Please return this form within five (5) days after receipt if there is a disagreement in the proposed land use. Failure to return this form will be understood by The Ohio Valley Coal Company to be agreement with the proposed land use.

Description of area: All that certain strip of land lying within Lessor's right of way line between Survey Station 699+75 northwesterly to Survey Station 812+30, containing an area of 15.0 acres, more or less, west of Alledonia and situated in the Township of Washington, County of Belmont, State of Ohio.

I/we disagree with the proposed land use.

Landowner

Date

Landowner

Date



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224
(614) 265-6633

March 7, 1989

The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio
43902

Subject: Midterm Permit Review, Permit D-0360

Gentlemen:

To comply with rule 1501: 13-4-06 (P) of the Ohio Administrative Code, the Division has completed a midterm permit review of permit D-0360. To bring your permit into compliance with Ohio's mining and reclamation law and rules, you are requested to submit to the Columbus office within 45 days after actual or constructive receipt of this letter an "Application to Revise a Coal Mining Permit" which contains the following:

(PLEASE NOTE: Failure to submit a complete and correct "Application to Revise a Coal Mining Permit" within the 45 day period will result in the issuance of a Chief's Order. If the requirements of the Chief's Order are not met, additional enforcement action will occur.)

1. There are two permit conditions on D-0360 which were imposed at the time of issuance. Comply with the following:
 - a. Since test plots on the coal processing waste were to be established, submit your results. If test plots have not been established, you have two options: (1) establish test plots on the coal processing waste (a written commitment to do so will be required as well as a commitment to the duration of the testing period), or (2) submit test results for test plots planted on similar areas (identify the similar area and provide documentation supporting the comparison).

*Use Core as an
example
#2 Pond @ #4*

Richard F. Celeste, Governor

TOVCC 18976

b. The second permit condition concerned a possible experimental practice for pond 002 if water was to be impounded above the slurry during final reclamation of the disposal site. Per 1501:13-9-09 (C), Ohio Administrative Code, such a proposal is no longer allowable, thus you must indicate this proposal is being deleted from your permit and address how you will comply with 1501: 13-9-09 (C) for the impounding structure.

*Costal
drains
#5 emer
spill way
+
discuss
channels*

2.
3.

2. an indication if there are existing land use policies and plans adopted by a governmental agency for the permit and adjacent areas and either a description of the land use policy or plan or the source of information upon which a negative determination was made as required by 13-4-05 (F) (2).

3. a copy of the comments concerning the proposed land use from the legal or equitable owner of record of the surface of the permit area as required by 13-4-05 (F) (2).

4. an indication if any water, sediment, or slurry impoundments meet the requirements of 30 C.F.R. 77.216 and, if so, submittal of a plan which complies with 30 C.F.R. 77.216-2 as required by 13-4-05 (H) (3) (c).

MSHA?

*#2 Da
#10 Por*

5. a description of each existing ^{water (ponds, ditches)} structure proposed to be used or currently used in connection with or to facilitate the coal mining and reclamation operation including the location, the plans of the structure which describe its current condition, the approximate beginning and ending dates for construction, and a showing, including relevant monitoring data or other evidence, whether the structure meets the performance standards as required by 13-4-05 (B) (1).

*Quarterly
Sampling*

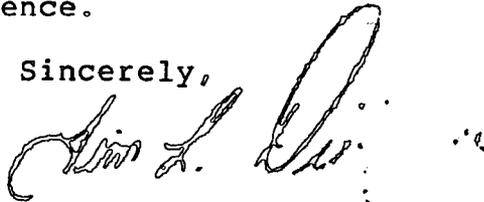
6. a compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate the coal mining and reclamation operation including the design specifications for the modification or reconstruction, a construction schedule showing dates for beginning and completing interim steps and final reconstruction, provisions for monitoring the structure during and after modification or reconstruction, and a showing that the risk of harm to the environment or to public health or safety is not significant during modification or reconstruction as required by 13-4-05 (B) (2).

none?

7. a description of the backfilling, soil stabilization, and grading as required by 13-4-05 (D)(2)(b).
8. a description of the removal, storage, and redistribution of topsoil, subsoil, and other material to meet the requirements to rule 1501: 13-9-03 of the Administration Code as required by 13-4-05 (D)(2)(c).
9. an indication if the revegetation plan includes any introduced species and, if so, an identification of the species and a demonstration of compliance with the rules as required by 13-9-11(A).
10. an indication if any impoundments will remain as permanent and, if so, submittal of the demonstration required by 13-9-04 (H)(2)(a-h) and a letter of assurance of maintenance as required by 1513.16 (F)(3)(b).
11. as a reminder, this midterm permit review must be submitted on the revised A.R.P. form (see Policy/Procedure Directive Permitting 88-7). Additionally, submit the completed PA 25 Addendum (per PPD, Permitting 88-6).

If you have any questions, please contact Bob Foster in the Columbus office at your convenience.

Sincerely,



Tim L. Dieringer, Chief
Division of Reclamation

TLD:BF:jl

cc: Jack Graham, St. Clairsville District Office

Certified Mail #P 790 105 021



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224
(614) 265-6633

March 7, 1989

The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio
43902

Subject: Midterm Permit Review, Permit D-0360

Gentlemen:

To comply with rule 1501: 13-4-06 (P) of the Ohio Administrative Code, the Division has completed a midterm permit review of permit D-0360. To bring your permit into compliance with Ohio's mining and reclamation law and rules, you are requested to submit to the Columbus office within 45 days after actual or constructive receipt of this letter an "Application to Revise a Coal Mining Permit" which contains the following:

(PLEASE NOTE: Failure to submit a complete and correct "Application to Revise a Coal Mining Permit" within the 45 day period will result in the issuance of a Chief's Order. If the requirements of the Chief's Order are not met, additional enforcement action will occur.)

1. There are two permit conditions on D-0360 which were imposed at the time of issuance. Comply with the following:
 - a. Since test plots on the coal processing waste were to be established, submit your results. If test plots have not been established, you have two options: (1) establish test plots on the coal processing waste (a written commitment to do so will be required as well as a commitment to the duration of the testing period), or (2) submit test results for test plots planted on similar areas (identify the similar area and provide documentation supporting the comparison).

Richard F. Celeste, Governor



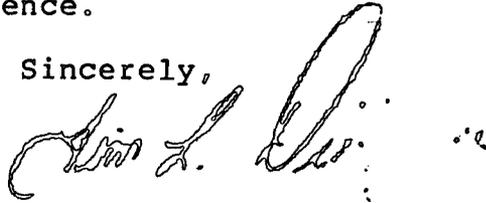
TOVCC 18979

- b. The second permit condition concerned a possible experimental practice for pond 002 if water was to be impounded above the slurry during final reclamation of the disposal site. Per 1501:13-9-09 (C), Ohio Administrative Code, such a proposal is no longer allowable, thus you must indicate this proposal is being deleted from your permit and address how you will comply with 1501: 13-9-09 (C) for the impounding structure.
2. an indication if there are existing land use policies and plans adopted by a governmental agency for the permit and adjacent areas and either a description of the land use policy or plan or the source of information upon which a negative determination was made as required by 13-4-05 (F) (2).
 3. a copy of the comments concerning the proposed land use from the legal or equitable owner of record of the surface of the permit area as required by 13-4-05 (F) (2).
 4. an indication if any water, sediment, or slurry impoundments meet the requirements of 30 C.F.R. 77.216 and, if so, submittal of a plan which complies with 30 C.F.R. 77.216-2 as required by 13-4-05 (H) (3) (c).
 5. a description of each existing structure proposed to be used or currently used in connection with or to facilitate the coal mining and reclamation operation including the location, the plans of the structure which describe its current condition, the approximate beginning and ending dates for construction, and a showing, including relevant monitoring data or other evidence, whether the structure meets the performance standards as required by 13-4-05 (B) (1).
 6. a compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate the coal mining and reclamation operation including the design specifications for the modification or reconstruction, a construction schedule showing dates for beginning and completing interim steps and final reconstruction, provisions for monitoring the structure during and after modification or reconstruction, and a showing that the risk of harm to the environment or to public health or safety is not significant during modification or reconstruction as required by 13-4-05 (B) (2).

7. a description of the backfilling, soil stabilization, and grading as required by 13-4-05 (D)(2)(b).
8. a description of the removal, storage, and redistribution of topsoil, subsoil, and other material to meet the requirements to rule 1501: 13-9-03 of the Administration Code as required by 13-4-05 (D)(2)(c).
9. an indication if the revegetation plan includes any introduced species and, if so, an identification of the species and a demonstration of compliance with the rules as required by 13-9-11(A).
10. an indication if any impoundments will remain as permanent and, if so, submittal of the demonstration required by 13-9-04 (H)(2)(a-h) and a letter of assurance of maintenance as required by 1513.16 (F)(3)(b).
11. as a reminder, this midterm permit review must be submitted on the revised A.R.P. form (see Policy/Procedure Directive Permitting 88-7). Additionally, submit the completed PA 25 Addendum (per PPD, Permitting 88-6).

If you have any questions, please contact Bob Foster in the Columbus office at your convenience.

Sincerely,



Tim L. Dieringer, Chief
Division of Reclamation

TLD:BF:jl

cc: Jack Graham, St. Clairsville District Office

Certified Mail #P 790 105 021

State of Ohio
Department of Natural Resources
Division of Reclamation

VALIDATION OF COLLATERAL BOND

Permittee The Ohio Valley Coal Company
Address 26854 Pleasant Ridge Road
City Allentown State OH zip Code 43902

I, the undersigned authorized official of the permittee, hereby acknowledge that the below describe collateral bond filed for Coal Mining and Reclamation Permit D-0360 will remain in effect during the renewal term of this permit and until released under Section 1513.16 of the Ohio Revised Code, unless additional bond is substituted to replace any of those bonds.

Certificate of Deposit (C.D.) No. _____ Letter of Credit (L.O.C.) No. _____ Name of Bank _____ Amount of C.D. or L.O.C. _____ Amount of Cash _____

(Signature) _____ (Date) _____ (Official Position)



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224

TO: Ohio Coal Mine Operators and Consultants
FROM: Tim L. Dieringer, Chief *TLD/ryj*
SUBJECT: Plans for Minimizing Impacts on or Enhancing Fish
and Wildlife Resources
DATE: December 19, 1988

Program Amendment 25 effective October 1, 1988 revised the rules concerning fish, wildlife, and related environmental values. Rules 1501:13-4-05(P) and 1501:13-9-11, Ohio Administrative Code, specifically address the permitting and performance requirements, and Page 18, D(18) of the revised surface mining application requires a description of the plan for minimizing impacts on or enhancing these resources.

The Division, after consultation with the Ohio Divisions of Wildlife and Natural Areas and Preserves, has developed the attached fish and wildlife guidelines. It must be emphasized these are only suggestions; appropriate responses will also be dependent upon the site-specific conditions as well as the proposed postmining land use. The Division, however, will expect more detailed responses regarding protection and preservation of these resources than was previously required.

If you have any questions, please contact Becky Lachey or Michael Nishimura at (614) 265-6633 in the Columbus office.

Attachments

Richard F. Celeste, Governor

TOVCC 18983

SUGGESTIONS FOR MINIMIZING IMPACTS ON OR ENHANCING
FISH & WILDLIFE RESOURCES

For areas reclaimed to Cropland:

Plant trees and shrubs as fencerows between the harvested areas to break up large blocks of monoculture. See the attached lists of desirable species. Include conifers to provide cover as well as food-bearing species.

Restore, enhance, or maintain riparian vegetation on banks of streams, lakes, and other wetland areas.

Incorporate as much wetlands as possible when designing ponds. Retain ponds and plant a portion of the shoreline with trees/shrubs.

For areas reclaimed to Pastureland or Grazingland:

Intersperse the area with food and cover plantings to enhance and subdivide the reclaimed areas. These areas should generally be less than two acres in size and irregular in shape. They can be planted in odd areas or on steep slopes that are not suitable for another land use. Also provide travel lanes to connect food and cover areas. Plantings should involve grasses and trees/shrubs including conifers to provide cover as well as food-bearing species. See the attached lists of desirable species.

Restore, enhance, or maintain riparian vegetation on banks of streams, lakes, and other wetland areas.

Restore wetlands and incorporate as much wetlands as possible when designing ponds. Retain ponds and plant a portion of the shoreline with trees/shrubs.

For areas reclaimed to Industrial or Family Housing:

Intersperse reclaimed areas with grasses and trees/shrubs useful as food and cover for birds and small wildlife. See the attached lists for desirable species. Include conifers to provide cover as well as food-bearing species.

Restore, enhance, or maintain riparian vegetation on banks of streams, lakes, and other wetland areas.

Incorporate as much wetlands as possible when designing ponds. Retain ponds and plant a portion of the shoreline with trees/shrubs.

For areas reclaimed to Fish and Wildlife Habitat:

Plantings should involve herbaceous species, trees, and shrubs and should include conifers to provide cover as well as food-bearing species. See the attached lists for desirable species. These plantings should include open areas of herbaceous species, food and cover plantings of trees and shrubs, edge improvement, and travel lanes.

Open areas should be scattered throughout the reclaimed area and should generally be at least one-half acre in size but no more than five acres. The seed mix used should include one annual, usually an annual grass, or short-lived perennial species that quickly provides the initial ground cover, at least one long-lived perennial legume, and one long-lived perennial grass for permanent vegetative cover. Be careful not to select herbaceous ground cover species that will out compete the woody vegetation. See the attached lists for desirable species.

The area should include food and cover plantings of woody species to break up the expansive, open areas. These plantings should be small and irregular in shape. The reclaimed area should include as many food and cover plantings as possible keeping in mind the plantings should be small and open areas of one-half to five acres should be maintained. A mixture of hardwoods, conifers, and shrubs should be utilized in food and cover plantings. Refer to the attached lists for appropriate species.

Edge improvement creates a gradual transition zone between plant communities, creating wider edges and enhancing the edge effect. Each individual planting area within the permit site can be bordered by at least two or three rows of trees/shrubs. For example, rows of shrubs can be added along an existing tree stand to improve the edge between the trees and the reclaimed area. Rows of conifers and shrubs can be planted along the entire perimeter of the permit site. These should be a minimum of 50 feet wide. In cases where the area surrounding the permit site is an unmined, wooded area, it would be beneficial for rows of conifers and shrubs to be planted next to the wooded border. Where the surrounding area is not wooded, the edge improvement planting may also include large tree species as a further enhancement measure. Refer to the attached list for appropriate species.

Travel lanes are useful to break up expanses of open areas and provide an avenue of mobility for wildlife. They are most valuable when they connect ponds and adjacent wildlife cover areas to one another to form "runways" that provide easy access to these areas for wildlife. Travel lanes generally consist of fast-growing and spreading tree and shrub species (see attached lists) planted in bands one to three rows wide but not exceeding 20 feet. Travel lanes can be created by planting a single row of a dense-growing shrub, such as bristly locust, or in double,

alternating rows incorporating two different species of shrubs. Another method would be to include a fast-growing tree specie along with a double row of shrubs.

Restore, enhance, or maintain riparian vegetation on banks of streams, lakes, and other wetland areas.

Restore wetlands.

Retain ponds and incorporate as much wetlands as possible when designing ponds. Plant a portion of the pond shorelines with trees/shrubs.

MN:jl

Trees and Shrubs

Trees

Trees are woody plants which generally have but one main stem arising from ground level. They provide food for wildlife in the form of seeds and mast, have value as wildlife cover, and provide erosion control on outcrops when planted with herbaceous species.

The recommended trees can be subdivided into hardwoods, softwoods and conifers. Hardwoods are deciduous, which means they drop their leaves each fall and generally produce seed or mast crop which supply food to wildlife. Softwoods or conifers are evergreens and are particularly valuable as cover for wildlife.

HARDWOODS

European Black Alder (Alnus glutinosa)
White Ash (Fraxinus americana)
Green Ash (Fraxinus pennsylvanica)
Black Walnut (Juglans nigra)
Sweetgum (Liquidambar styraciflua)
Tulip tree (Liriodendron tulipifera)
American Sycamore (Platanus occidentalis)
White Oak (Quercus alba)
Red Oak (Quercus rubra)
Black Locust (Robinia pseudoacacia)

CONIFERS

Eastern White Pine (Pinus strobus)
Virginia Pine (Pinus virginiana)
Red Pine (Pinus resinosa)
Austrian Pine (Pinus nigra)
Norway Spruce (Picea abies)

Trees and Shrubs

Shrubs

Shrubs are woody plants with few to many stems arising from the ground level. They usually are smaller than most trees and are extremely valuable sources of wildlife cover and food. Some shrubs are also useful for controlling soil erosion and can be utilized for screening and windbreaks for cropland. When properly planted and managed, some species form natural hedgerows and others important food and cover areas.

SHRUBS

Black Chokeberry (Aronia melanocarpa)
Silky Dogwood (Cornus amomum)
Grey Dogwood (Cornus racemosa)
Washington Hawthorn (Crataegus spp.)
Tatarian Honeyuckle (Lonicera tatarica)
Indigobush (Amorpha fruticosa)
Bicolor Loosestrife (Loosetrife bicolor)
Bristly Locust (Robinia hispida)

<u>CONIFERS</u>	EASTERN WHITE PINE	VIRGINIA PINE	RED PINE	AUSTRIAN PINE	NOBILIS SPRUCE
Minimum pH	4.5	4.0	3.5	3.5	3.0
Drainage:					
Dry		X	X		
Medium	X	X		X	X
Wet					
Light:					
Sun		X		X	
Sun/shade	X		X		
Shade					X
Growth Rates:					
Slow		X		X	X
Medium	X			X	
Fast			X		
Value to Wildlife:					
Drove		X		X	X
Fruit					
Habitat					
Nest					
Seed	X	X	X	X	X
Cover	X	X	X	X	X
Refrigeration Periods:					
Spring			X		
Summer	X		X		
Fall	X		X		
Winter			X		
Years to Fruit	10	5	20		

<u>MARKWOODS</u>	EUROPEAN BLACK ALDER	WHITE ASH	GREEN ASH	BLACK WALNUT	SWEETGUM	TULIPTREE	AMERICAN SYCAMORE	WHITE OAK	RED OAK	BLACK LOCUST
Minkwood RH	3.5	6.0	6.0	5.0	6.5	6.5	6.0	5.0	6.0	3.5
Drainage:										
Dry				X				X	X	
Medium	X	X	X	X	X	X	X	X	X	X
Wet	X	X	X				X			
Light:										
Sun				X	X	X	X			X
Sun/shade	X	X	X					X	X	
Shade										
Growth Rate:										
Slow				X						
Medium		X	X		X			X		
Fast	X	X	X			X	X		X	X
Value to Wildlife:										
Drum		X	X			X		X	X	X
Fruit					X		X			X
Roosting										
Nest				X				X	X	
Seed		X	X		X	X	X			X
Cover				X	X		X	X	X	X
Fruiting Period:										
Spring										
Summer										
Fall	X	X	X		X	X	X		X	X
Winter							X	X	X	X
Years to Fruit		35	10		20	25	25	20	25	15

<u>Species</u>	BLACK CHERRY	SILLY DOGWOOD	GRAY DOGWOOD	WASHINGTON HAWTHORNE	TATARIAN HORNBUCKLE	INDICOWASH	DICHLOR LESPEDeza	RUSHY LOCUST
Minimum pH	5.0	5.5	5.0	5.5	5.5	5.0	5.5	5.5
Drainages:								
Dry				X				X
Medium	X	X		X	X	X	X	X
Wet	X	X			X			
Light:								
Sun				X			X	X
Sun/shade	X		X		X	X		
Shade		X						
Growth Rate:								
Slow	X		X					
Medium	X	X						
Fast		X				X	X	X
Value to Wildlife:								
Brown	X	X	X		X	X		
Fruit	X	X	X	X	X			
Wooding	X		X	X				
Wool								
Seeds						X	X	X
Cover		X	X	X	X	X	X	X
Fruiting Periods:								
Spring								
Summer					X			
Fall	X	X	X	X	X			
Winter	X			X				
Years to Fruit		4	5	4	3	3	3	3

Table 1. Suggested Herbaceous Mixtures for
Hilltop Habitat and Erosion Control

Species	Seeding rate ^a Pounds/acre PLS
---------	--

FEBRUARY 15 TO MAY 15

Permanent Species

I Orchardgrass	10
or	8
Timothy	2
White or Ladino clover	6
Red clover	6
II Orchardgrass	10
or	8
Timothy	1
White or Ladino clover	4
Red clover	10
Korean and/or Kiba lespedeza	10
III Orchardgrass	10
or	8
Timothy	8
Birdsfoot trefoil	15
or	15
Alfalfa	25
IV Wheat	32
or	32
Spring oats	10
Switchgrass	10
Indiangrass	5
Big bluestem	5
Little bluestem	6
Birdsfoot trefoil	6

Temporary (Quick Cover) Species Add one of the following species to permanent mixture I, II, or III. Do not add to mixture IV.

Wheat (before April 15)	30
Spring oats (before April 15)	32
Bulb rye (before April 15)	30
Perennial ryegrass	10
Annual ryegrass	5
Hoop pine (after April 1)	2

Table 1 (Continued)

Species	<u>Seeding rate^a</u> Pounds/Acre PLS
---------	--

MAY 15 TO AUGUST 1

Permanent Species

I Orchardgrass	10
or	
Timothy	8
Korean and/or Koba lespedeza	15
Red clover	4
White clover	1
or	
Birdsfoot trefoil	6
or	
Alfalfa	12

Temporary Species Add one to the permanent mixture.^b

Sorghum	20
Foxtail (German) millet	12
Japanese millet	15
Soybeans	40
Cowpeas	40
Pearl millet	10

Note: If the perennial legumes or grasses fail to establish from the summer seeding, they can again be sown in late summer (Aug. 15 to Sep. 15) or early the following spring.

AUGUST 1 TO OCTOBER 1

Permanent Species

I Orchardgrass	10
or	
Timothy	8
White or Ladino clover	2
Red clover	6
II Orchardgrass	10
or	
Timothy	8
Alfalfa	15
or	
Birdsfoot trefoil	8

Species	Seeding rate ^a Pounds/acre PLS
<u>Permanent Species (Continued)</u>	
III Bartsgrass	12
Birdsfoot trefoil	8
<u>Temporary Species</u> Add <u>one</u> to a permanent mixture. ^b	
Winter wheat	30
Balbo ryegrass or winter ryegrass	30
Winter oats	32
Perennial ryegrass	10
Annual ryegrass	5

Mixtures for Wet or Poorly
Drained Areas and Pond Borders

For Spring Seeding (February 15 to May 15)

I Japanese millet	10
Redtop	2
	10
or	
Red canarygrass	15
Alsike clover	4
Common annual lespedeza	10

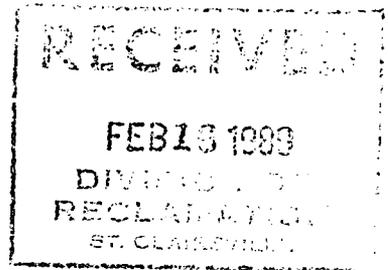
For Spring or Fall (August 1 to October 1) Seeding

II Redtop	3
Red canarygrass	15
or	
	10
Alsike clover	6

^aSeeding rates are for Pure Live Seed (PLS). See section on seeding rates on page 42. Seeding rate of the permanent species can be increased if desired, but do not exceed the seeding rate of the temporary species.

^bUse only one of the temporary species at the rates shown. If more than one is used, reduce seeding rate of each species according to number of species used; i.e. for two species use one-half seeding rate of each.

Reproduced from A Guide For Vegetating Surface-Water Flood Lands For Wildlife in Eastern Kentucky and West Virginia by Barbara L. Russell and William G. Vogel



ANNUAL POND CERTIFICATION

PERMIT NAME MICHENER-RINKES

PERMIT NO. D-0643

POND NO. 001, 001A, 002, 003, 004, _____

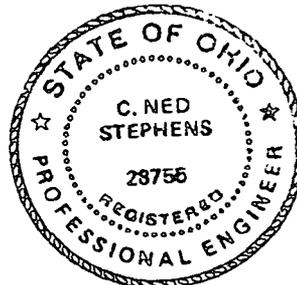
I, hereby certify that the above designated ponds have been inspected during the current quarter and have been determined to be in good condition. The dams are stable with good vegetation, and there is no significant erosion at the spillway outlets. Sediment accumulation is not significant at this time. Exceptions to the above statement are of a minor nature and are as listed below.

Comments: Vegetation on the dam of Pond 004 is sparse at this time. The dam will be re-seeded, as necessary, when weather conditions permit.

C. Ned Stephens

C. Ned Stephens, P.E.
Engr. Reg. No. 28755

Date: 2/15/89



SEAW1206/88305001

INSPECTOR



As landowner of the area described below, I/we are aware that the proposed post-mining land use will be forest land/fish and wildlife habitat. The area is associated with Permit D-0360, located in Section 28 of Washington Township, Belmont County, Ohio.

Please return this form within five (5) days after receipt if there is a disagreement in the proposed land use. Failure to return this form will be understood by The Ohio Valley Coal Company to be agreement with the proposed land use.

Description of area: _____

I/we disagree with the proposed land use.

Landowner

Date

Landowner

Date

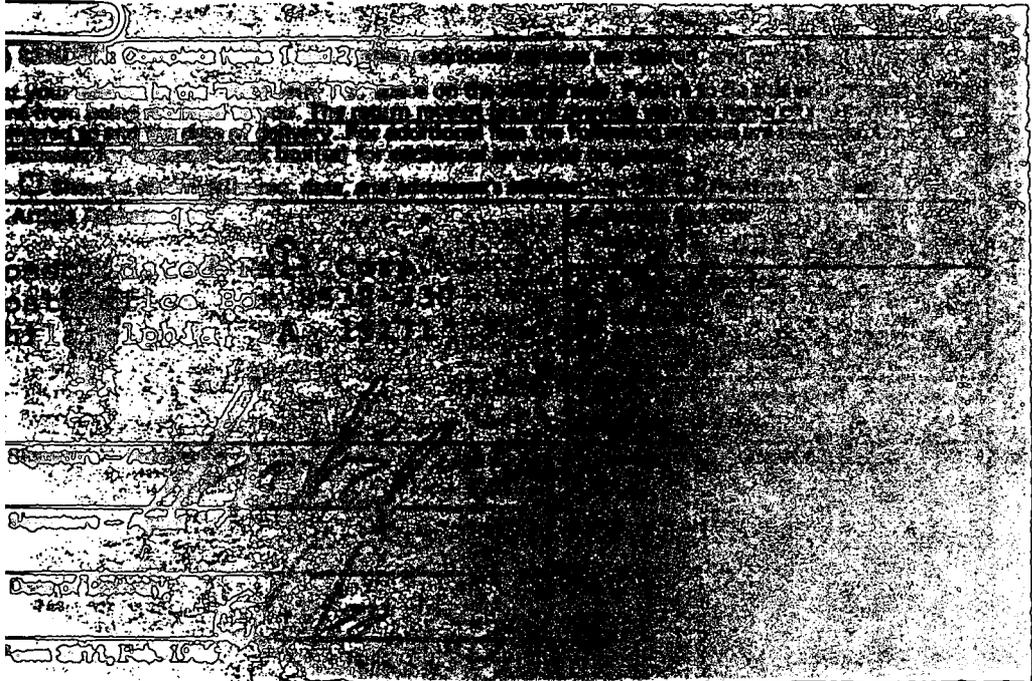
As landowners of the area described below, I/We are aware that the post-mining land use will be forestland/fish and wildlife habitat. The area is associated with Permit D-0433 located in Sections 14 and 15 of Salem Township, Monroe County, Ohio.

Landowner

Date

Landowner

Date



P 378 084 474

RECEIPT FOR CERTIFIED MAIL

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

(See Reverse)

Sent to	
Consolidated Rail Corp.	
Street and No.	
PO Box 8538-230	
P.O., State and ZIP Code	
Philadelphia, PA 19171	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	
JUN 15 1988	

PS Form 3800, Feb. 1982

TOVCC 18997

INTER-OFFICE CORRESPONDENCE

The Ohio Valley Coal Company

ALLEDONIA, OHIO 43902

DATE: September 30, 1989

TO: John R. Forrelli

SUBJECT: MIDTERM PERMIT REVIEW - ODNR

FROM: David L. Bartsch *DLB*

I talked with Mike Nishimura yesterday about our Midterm Permit Review for the mine. He suggested that we revise our application and remove the test plots for the refuse reclamation, in addition to removal of the experimental practice for leaving No. 2 Dam as a permanent impoundment. We must then submit two ARP's to cover these two items.

ODNR has completed the ARP forms to assist us with this work and expedite this matter. I plan to submit the three sets of forms on Friday, October 6, when I travel to Columbus.

DLB: jlr

OHIO DEPARTMENT OF NATURAL RESOURCES
Division of Reclamation

1

Approval of Surface Coal Mining Permit Application

1. Name of Applicant The NACCO Mining Company
2. Address of Applicant State Route 7
City Powhatan Point State Ohio Zip 43942
3. Application Number 0341
4. Number of acres to be permitted 350.0
5. Number of acres to be affected first mining year 250.0
6. The surface and ground water monitoring plan for this permit shall be:

U-1, D-1, D-2, D-3, W-1, and W-2 for quality

7. This application is approved since it (demonstrates) ~~(demonstrates)~~ and the Division (has) ~~(has)~~ found that the criteria in paragraph (H) of rule 1501: 13-5-01 of the Administrative Code have been met. See conditions below.

Date: April 6, 1984

Signed: Larry W Mamone

8. An Authorization to Construct Drainage Controls will be issued upon receipt of:

Permit Fee: \$17,500.; Bond \$625,000.

1. The permittee is to establish test plots on the coal processing waste in accordance with the letter from Wm. Elmer Schanck to Larry Mamone, dated September 29, 1983. The test plots are to be established as soon as possible to allow the results to be analyzed at the time of the mid-term permit review.
2. At the time of the mid-term permit review or prior to the crest elevation of pond 002 being attained, whichever occurs first, the permittee is to submit to the Chief for review and approval an experimental practice plan if water is to be impounded above the slurry during final reclamation of the disposal site.

2



Fountain Square
Columbus, Ohio 43224
(614) 265-6633

March 7, 1989

The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio
43902

Subject: Midterm Permit Review, Permit D-0360

Gentlemen:

To comply with rule 1501: 13-4-06 (P) of the Ohio Administrative Code, the Division has completed a midterm permit review of permit D-0360. To bring your permit into compliance with Ohio's mining and reclamation law and rules, you are requested to submit to the Columbus office within 45 days after actual or constructive receipt of this letter an "Application to Revise a Coal Mining Permit" which contains the following:

(PLEASE NOTE: Failure to submit a complete and correct "Application to Revise a Coal Mining Permit" within the 45 day period will result in the issuance of a Chief's Order. If the requirements of the Chief's Order are not met, additional enforcement action will occur.)

1. There are two permit conditions on D-0360 which were imposed at the time of issuance. Comply with the following:
 - a. Since test plots on the coal processing waste were to be established, submit your results. If test plots have not been established, you have two options: (1) establish test plots on the coal processing waste (a written commitment to do so will be required as well as a commitment to the duration of the testing period), or (2) submit test results for test plots planted on similar areas (identify the similar area and provide documentation supporting the comparison).

Richard F. Celeste, Governor

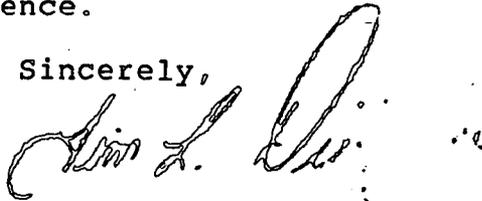
TOVCC 19000

- b. The second permit condition concerned a possible experimental practice for pond 002 if water was to be impounded above the slurry during final reclamation of the disposal site. Per 1501:13-9-09 (C), Ohio Administrative Code, such a proposal is no longer allowable, thus you must indicate this proposal is being deleted from your permit and address how you will comply with 1501: 13-9-09 (C) for the impounding structure.
2. an indication if there are existing land use policies and plans adopted by a governmental agency for the permit and adjacent areas and either a description of the land use policy or plan or the source of information upon which a negative determination was made as required by 13-4-05 (F) (2).
 3. a copy of the comments concerning the proposed land use from the legal or equitable owner of record of the surface of the permit area as required by 13-4-05 (F) (2).
 4. an indication if any water, sediment, or slurry impoundments meet the requirements of 30 C.F.R. 77.216 and, if so, submittal of a plan which complies with 30 C.F.R. 77.216-2 as required by 13-4-05 (H) (3) (c).
 5. a description of each existing structure proposed to be used or currently used in connection with or to facilitate the coal mining and reclamation operation including the location, the plans of the structure which describe its current condition, the approximate beginning and ending dates for construction, and a showing, including relevant monitoring data or other evidence, whether the structure meets the performance standards as required by 13-4-05 (B) (1).
 6. a compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate the coal mining and reclamation operation including the design specifications for the modification or reconstruction, a construction schedule showing dates for beginning and completing interim steps and final reconstruction, provisions for monitoring the structure during and after modification or reconstruction, and a showing that the risk of harm to the environment or to public health or safety is not significant during modification or reconstruction as required by 13-4-05 (B) (2).

7. a description of the backfilling, soil stabilization, and grading as required by 13-4-05 (D) (2) (b).
8. a description of the removal, storage, and redistribution of topsoil, subsoil, and other material to meet the requirements to rule 1501: 13-9-03 of the Administration Code as required by 13-4-05 (D) (2) (c).
9. an indication if the revegetation plan includes any introduced species and, if so, an identification of the species and a demonstration of compliance with the rules as required by 13-9-11(A).
10. an indication if any impoundments will remain as permanent and, if so, submittal of the demonstration required by 13-9-04 (H) (2) (a-h) and a letter of assurance of maintenance as required by 1513.16 (F) (3) (b).
11. as a reminder, this midterm permit review must be submitted on the revised A.R.P. form (see Policy/Procedure Directive Permitting 88-7). Additionally, submit the completed PA 25 Addendum (per PPD, Permitting 88-6).

If you have any questions, please contact Bob Foster in the Columbus office at your convenience.

Sincerely,



Tim L. Dieringer, Chief
Division of Reclamation

TLD:BF:jl

cc: Jack Graham, St. Clairsville District Office

Certified Mail #P 790 105 021

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

APPLICATION TO REVISE A COAL MINING PERMIT

1. Applicant's Name The Ohio Valley Coal Company
 Address 56854 Pleasant Ridge Road
 City Alledonia State Ohio Zip 43902
 Telephone No. 614 - 926 - 1351

2. Permit No. D-0360.

3. Section of mining and reclamation plan to be revised:
 Addenda 12, 13, 17, 18, 19, 22, 30, 33, 33 Supplement, 34

4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:

The revision includes changes to the mining permit to reflect recent rule changes in the Ohio Administrative Code.

5. Describe in detail the reason

The revision was requested by the
 of the mid-term permit review.

revision:

as part

6. Will this revision constitute
 the mining and reclamation
 original permit? Yes, X No.

revision from
 included in the

(Note: refer to paragraph (E) (2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

If "yes," complete the following items 7 through 9.

- 7. In the space below give the name and address of the newspaper in which the public notice is to be published.

- 8. In the space below give the text of the public notice that is to be published.

- 9. In the space below give the name and address of the public office where this application is to be filed for public viewing.

I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

Robert E. Murray	March 30, 1989
Print Name	Date
	President and Chief Executive Officer
Signature	Title

Sworn before me and subscribed in my presence
 this _____ day of _____, 19____.

 Notary Public

FOR DIVISION USE ONLY)

This request is hereby _____.

Chief, Division of Reclamation	Date



March 30, 1989

Mr. Tim Dieringer, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224

Dear Mr. Dieringer:

In accordance with OAC 1501:13-4-12(B), The Ohio Valley Coal Company hereby requests approval of an "experimental practice" for the reclamation of No. 2 Slurry Impoundment. The experimental practice involves the ability of the structure "to impound as part of the approved post mining land use." [OAC 5101:13-9-09(C)(2)(a)] The duration of this practice shall be from the time that the structure is reclaimed for an indefinite period of time. The reclaimed structure will provide area sportsmen with a recreational facility in the form of a larger lake. Currently, several species of fish live in the bright, green water of the No. 2 Slurry Impoundment.

We believe that the proposed experimental practice will be more environmentally protective than OAC 1501:13-4-12 in that the covering of many acres of mine waste with topsoil from adjacent borrow areas would deprive these large areas of their ability to grow substantial vegetative cover. As can be seen in the data presented herein, effluent limitations are met in the waters currently discharging from No. 2 Slurry Impoundment. This situation is not expected to change after reclamation is complete. However, water sampling, analysis, and reporting on a quarterly basis will continue for a period of five (5) years after reclamation is complete. The water sampling shall indicate the measured levels of pH, total suspended solids, total iron, total manganese, and specific conductance. If the measured levels of these parameters exceed allowable limits, the Division of Reclamation will be notified immediately in order to identify potential risks to the environment and public health and safety. If water sampling indicates that the experimental practice is a failure, the impoundment will be drained and will be reclaimed in accordance with OAC 1501:13-9-09.

This experimental practice shall be identified through newspaper advertisements by The Ohio Valley Coal Company, a copy of which is included herein.

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 19005

Mr. Tim Dieringer, Chief
March 30, 1989
Page Two

If you have any questions, please contact me.

Very truly yours,

THE OHIO VALLEY COAL COMPANY



David L. Bartsch, P.E.
Project Engineer

DLB:jlr

Enclosures

Copies to: M. R. St. John
J. R. Forrelli
File



March 30, 1989

Mr. Tim Dieringer, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224

Subject: Letter of Assurance - Permanent Impoundment

Dear Mr. Dieringer:

The No. 2 Slurry Impoundment at the Powhatan No. 6 Mine is proposed to contain all of the slurry waste that we produce for the life of the operation. When completed, it is proposed to remain as a permanent impoundment, providing fish and wildlife habitat for years to come. The Ohio Valley Coal Company is committed to the maintenance of that structure, including annual inspections.

We believe that this "experimental practice" will certainly enhance the environment. If you have any questions, please contact me.

Very truly yours,

THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Project Engineer

DLB: jlr

THE OHIO VALLEY COAL COMPANY
 POWHATAN NO. 6 MINE
 PERMIT NO. D-0360

3



RESPONSES TO REQUEST FOR ARP DATED MARCH 7, 1989

- Item 1a - See enclosed letter. It contains test results for test plots planted on similar areas (Cove Refuse Site and No. 4 Mine).
- Item 1b - See attached letter requesting approval of experimental practice.
- Item 2 - The Belmont County Commissioners, the Regional Planning Commission, and the Washington Township Trustees were contacted by telephone. There are no governmental agency plans for the permit or adjacent areas.
- Item 3 - The Ohio Valley Coal Company owns the majority of the land within the permit area. The area will have a post-mining land use of forestland/fish and wildlife habitat. The other owner of record of land within the permit area is the Consolidated Rail Corporation. They concur (see attached sheet) with the above-referenced post-mining land use.
- Item 4 - There are two structures that meet the requirements of 30 CFR 77.216. The MSHA plan that complies with 30 CFR 77.216-2 for each is on file in Morgantown, West Virginia at the MSHA office at the Mountaineer Mall.
- Item 5 - Please refer to addenda 17, 19, 33, 33 Supplement, and 34. The following is a summary list of those structures. The location of the structures are shown in the Addenda and on various drawings in the original application.

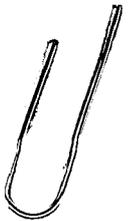
<u>Structure</u>	<u>Condition</u>	<u>Start of Construction</u>	<u>End of Construction</u>	<u>Performance Standards</u>
No. 2 Slurry Impoundment	Excellent	1976	Est. 6/89	See Water Analysis Sheet
Slope Preparation Facilities	Excellent	1970	1971	N/A
Office	Excellent	1971	1972	N/A
No. 8 Pond	Excellent	1970	1971	N/A
Refuse Site Freshwater Diversion	Excellent	1972	1972	See Water Analysis Sheet
				See Addendum 33-Supplement

RESPONSES TO REQUEST FOR ARP DATED MARCH 7, 1989
PAGE TWO

- Item 6 - The No. 2 Slurry Impoundment is expected to be modified by raising the level of the dam approximately 65 ft. However, these plans requested are not complete. Once complete, they will be submitted to the Division of Reclamation in order to comply with OAC 1501:13-14-05(B) (2).
- Item 7 - The reclamation of the permit area will include grading along contours and the placement of topsoil and seed (with mulch). Since there are no highwalls, there will be no backfilling.
- Item 8 - Please refer to Addendum 18. Topsoil that is to be removed with scrapers/tractors, and/or bulldozers, will be stored and stabilized with the seed mixture indicated. Topsoil will be re-distributed with the use of scrapers/tractors and/or dozers and/or end loaders. Localized areas within the permit that have not been used for the purposes of mining or processing the coal will not be stripped of their topsoils; nor will they be covered with additional topsoil.
- Item 9 - Please refer to Addendum 22. There are no introduced species in the revegetation plan.
- Item 10 - No impoundments will remain as permanent except for the experimental practice outlined in Item 1b above. Since the impoundment is sized to hold a probable maximum precipitation event, the criteria of a fifty year, six hour event are met. Please refer to letter of assurance of maintenance enclosed.
- Item 11 - Please refer to PA 25 Addendum enclosed.

THE NACCO MINING COMPANY
12800 SHAKER BOULEVARD
CLEVELAND, OHIO 44120

4



September 29, 1983

Mr. Larry W. Mamone, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224

RE: Request for Variance from Requirements of Section 1501:13-9-14(H)(c),
Ohio Administrative Code
Powhatan Mine No. 6, MSHA I.D. No. 33-01159
Washington Township, Belmont County

Dear Mr. Mamone:

The NACCO Mining Company (NACCO), owner of Powhatan Mine No. 6 requests a variance from the requirement for placement of four feet of non-toxic non-combustible material on coal processing waste as required by Section 1501:13-9-14(H)(C) of the Ohio Administrative Code. An alternative method of reclamation is presented below.

NACCO proposes to reclaim coal processing waste by covering with soil materials that have been removed from borrow areas on the hillside adjacent to the operations. NACCO proposes to use a minimum of two feet of such soil materials. This request for a variance is based on soil and refuse sample tests which are itemized below, and our experience at two nearby refuse disposal areas.

An analysis of the soil material to be used for cover has been performed and results are given in Table 1 (Samples 1 and 2). Fertilization of this material will be provided based on a standard soil analysis to determine required rates of application.

Prior to the placement of cover material, the area will be prepared in accordance with criteria established in the Ohio Administrative Code. Once the soil material has been placed, the surface will be scarified prior to seed application to provide the appropriate seed bed.

The seed mixture and rates presented in Table 2, in addition to fertilizer, lime and mulch, will be applied by hydroseeder or mechanical spreader.

Mr. Larry W. Mamone, Chief
Division of Reclamation
Ohio Department of Natural Resources

September 29, 1983
Page Two

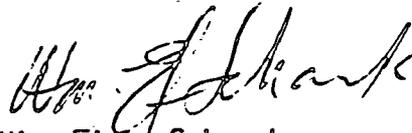
To confirm the acceptability of the proposed procedure, soil samples were obtained from reclaimed areas at two nearby refuse disposal facilities (Powhatan No. 4 Mine and the Cove Refuse Site) where cover thickness was approximately two feet. Sample 3 shows no degradation of material quality while Samples 4, 5, and 6 show low pH and corresponding high lime requirements. However, all sampling sites showed a healthy, dense vegetative cover.

Coal processing waste qualities at Powhatan Mine No. 6 (Sample Nos. 7 and 8) generally lie between those identified at the Cove Refuse Site (Samples 9 and 10) and the Powhatan Mine No. 4 (Samples 11 and 12). Therefore the proposed procedure should be successful at Powhatan Mine No. 6.

Based on these defined site conditions, and observed satisfactory results for two foot cover areas, we believe that the issuance of a variance would be in order. We look forward to your early response.

Very truly yours,

THE NACCO MINING COMPANY



Wm. Elmer Schanck
Chief Environmental Engineer

TABLE I

	Sample 01	Sample 02	Sample 03	Sample 04	Sample 05	Sample 06	Sample 07	Sample 08	Sample 09	Sample 010	Sample 011	Sample 012
Soil pH	5.2	5.7	7.3	4.0	4.5	4.5	2.3	6.3	2.2	1.7	8.0	8.3
Phosphorus (lbs/acre)	27.7	3.1	27.7	20.5	55.2	19.9	33.5	62.4	8.8	13.1	5.6	5.6
Potassium (lbs/acre)	135	113	76	142	98	99	136	167	159	160	388	343
% Organic Matter	0.50	2.05	1.84	2.05	0.52	0.60	6.38	5.38	7.31	4.59	7.52	8.36
Calcium (lbs/acre)	3,090	3,350	13,000	6,730	5,290	3,500	8,070	12,600	7,210	6,660	8,720	8040
Magnesium (lbs/acre)	380	330	540	860	950	860	580	690	1,020	900	330	350
Cation Exchange Capacity (meq/100 gr)	21.82	26.08	26.86	28.78	30.86	30.00	17.22	15.48	16.52	17.22	15.14	13.74
% Base Saturation	66.9	64.2	93.0	67.7	63.6	65.5	54.0	99.5	45.7	37.3	96.0	100.0
Potassium (meq/100 gr)	0.22	0.21	0.30	0.25	0.17	0.21	0.08		0.13	0.13	0.76	0.64
Sodium (meq/100 gr)	0.05	0.05	0.14	0.63	0.42	0.46	0.13	4.12	0.10	0.46	6.59	5.14
Calcium (meq/100 gr)	10.68	11.28	28.52	16.47	12.67	11.98	41.92	31.74	38.92	25.55	10.38	10.98
Magnesium (meq/100 gr)	1.89	1.59	2.60	4.10	4.06	4.67	2.53	2.24	4.31	4.03	1.38	1.30
Hydrogen (neg/100 gr)	6.35	6.75	2.38	13.89	9.92	9.13	38.09	4.76	51.58	50.97	0.79	-0.40
Buffer pH/ Line Requirement (tons per acre)	5.6/ 4.0	5.8/ 3.2	/	4.3/ 9.2	4.9/ 6.8	4.7/ 7.6	18.4	6.5/ 0.4	41.6	41.6	/	/

T0906C 13912

TABLE I

Continued

	Sample 01	Sample 02	Sample 03	Sample 04	Sample 05	Sample 06	Sample 07	Sample 08	Sample 09	Sample 10	Sample 11	Sample 12
Clay %	48.9	44.9	48.5	51.5	52.5	46.9	44.9	46.9	42.5	43.9	36.5	34.9
Silt %	45.0	38.6	34.2	32.6	36.0	37.4	23.4	25.2	17.0	19.4	21.8	18.8
Sand %	6.1	16.5	17.3	15.9	11.5	15.7	31.7	27.9	40.5	36.7	41.7	46.3
Total Sulfur %							4.12	4.27	5.96	3.36	4.03	4.80
Pyritic Sulfur %							1.67	3.72	2.88	1.10	3.23	3.83
Sulfate %							1.89	0.650	2.50	1.86	0.376	0.447
Organic Sulfur %							0.561	0.369	0.581	0.403	0.468	0.522
Paste pH							2.3	6.5	2.1	1.6	7.4	7.7
Neutralization Potential (cents/1,000 tons Ca CO ₃ Eq)							-8.38	+39.14	-18.81	-18.85	+14.38	+13.90
Potential Acidity (cents/1,000 tons CaCO ₃ Eq)							52.19	100.62	90.0	34.38	100.94	119.69
Acid Base Potential (cents/1,000 tons Ca CO ₃ Eq)							-60.57	-61.58	-108.81	-53.23	-86.56	-105.79

TABLE 2

<u>Type</u>	Seed Mixture		<u>Lbs. Per Acre</u>
	<u>% Purity</u>	<u>% Germination</u>	
Kentucky 31-Tall Fescue (<i>Festuco arundinacea</i>)	98	85	25
Perennial Rye Grass (<i>Lolium perenne</i>)	97	90	10
Birdsfoot Trefoil (<i>Lotus corniculatus</i>)	98	90	10
Alsike Clover (<i>Trifolium hybridum</i>)	98	90	10
Orchard Grass (<i>Dactylis glomerata</i>)	94	85	10
Black Locust (<i>Robinia pseudoacacia</i>)	98	90	3
Spring Barley (March, April only) (<i>Hordeum Vulgare-Moores</i>)	98	90	50
Buckwheat (May, June only) (<i>Polygonum Convolvulus</i>)	98	90	50
Common Foxtail Millet (July, August only) (<i>Setaria italica</i>)	98	90	50
Winter Barley (September, October only) (<i>Hordeum Vulgare-Pennrad</i>)	98	90	50
Japanese Millet (wet areas only) (<i>Echinochloa frumentacca</i>)	98	90	50

Each acre will also receive after or with seeding either 2 tons fresh hay, 50 gallons of "latex" or 1200 lbs. of paper or wood fiber mulch. Mulches will be selected based on field conditions and weather. Application will be accomplished manually, by mechanical blower or by hydro seeder.

P-622 182 264

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)



U.S.G.P.O. 153-506

Consolidated Rail Corp.	
Jacob Engineering Building	
100 Fleet Street	
P.O. State and ZIP Code	
Pittsburgh, PA 15220	
Postage	\$
Carrier Fee	

3. Article Addressed to:	
Consolidated Rail Corporation Jacob Engineering Building 100 Fleet Street Pittsburgh, Pennsylvania 15220	
4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P-622-182 264
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Agent	
X	
6. Signature - Addressee	
X <i>R. C. ...</i>	
7. Date of Delivery	
3-21-89	
8. Addressee's Address (ONLY if requested and fee paid)	

March 20, 1989

Consolidated Rail Corporation
Jacob Engineering Building
100 Fleet Street
Pittsburgh, Pennsylvania 15220

As landowner of the area described below, I/we are aware that the proposed post-mining land use will be forest land/fish and wildlife habitat. The area is associated with Permit D-0360, located in Section 28 of Washington Township, Belmont County, Ohio.

Please return this form within five (5) days after receipt if there is a disagreement in the proposed land use. Failure to return this form will be understood by The Ohio Valley Coal Company to be agreement with the proposed land use.

Description of area: All that certain strip of land lying within Lessor's right of way line between Survey Station 699+75 northwesterly to Survey Station 812+30, containing an area of 15.0 acres, more or less, west of Alledonia and situated in the Township of Washington, County of Belmont, State of Ohio.

I/we disagree with the proposed land use.

Landowner

Date

Landowner

Date

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 19015

WATER ANALYSES - NO. 2 SLURRY IMPOUNDMENT

1987	PH	SUSP. SOLIDS	TOTAL FE	TOTAL MN	COND.
JANUARY	7.58	8.10	0.32	0.52	1650
FEBRUARY	7.72	6.80	0.11	0.71	1250
MARCH	7.91	4.70	0.19	0.77	1430
APRIL	7.85	6.50	0.11	0.53	1470
MAY	7.85	6.50	0.11	0.53	1470
JUNE	8.10	4.80	0.16	0.12	1600
JULY	8.00	9.50	0.21	0.08	1600
AUGUST	7.77	8.10	0.16	0.19	1900
SEPTEMBER	7.22	13.90	0.17	0.97	2200
OCTOBER	7.44	7.20	0.25	1.01	2200
NOVEMBER	7.65	5.30	0.19	0.65	2200
DECEMBER	7.61	5.70	0.20	0.69	2200

WATER ANALYSES - NO. 8 POND

1987	PH	SUSP. SOLIDS	TOTAL FE	TOTAL MN	COND.
JANUARY					
FEBRUARY					
MARCH					
APRIL					
MAY					
JUNE					
JULY	7.90	14.30	0.22	0.18	880
AUGUST	8.32	4.50	0.04	0.02	1000
SEPTEMBER	7.52	5.90	0.12	0.04	1300
OCTOBER	7.34	8.00	0.37	0.11	1200
NOVEMBER	8.47	18.50	0.45	0.22	850
DECEMBER	8.02	19.70	0.32	0.11	880

~~OHIO DEPARTMENT OF NATURAL RESOURCES~~
DIVISION OF RECLAMATION

Program Amendment 25 Addendum to Applications

This addendum is to be completed and submitted with permit renewals, midterm reviews, adjacent area applications, and permit applications as described in Policy/Procedure Directive, Permitting 88-6, if the original permit application does not include the information required by Program Amendment 25 effective October 1, 1988.

Applicant/Permittee The Ohio Valley Coal Company

Application/Permit No. D-0360

I, the undersigned a responsible official of the applicant, do hereby verify the information in this addendum to the permit application, and any revision made during the review process, as true and correct to the best of my information and belief.

Printed Name Robert E. Murray; Date March 30, 1989

Signature _____; Title President and Chief Executive Officer

Sworn before me and subscribed in my presence this _____ day
of _____, 19 ____.

Notary Public

1. Geology Information

- a) Submit an addendum which describes the areal and structural geology of the permit and adjacent areas and any other geologic parameters which may influence required reclamation. Additionally, address how the areal and structural geology may affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters. See Addendum A
- b) Submit an addendum which identifies each stratum shown on the Attachment 12's submitted for the application/permit area. For each stratum provide an analysis of the neutralization potential, potential acidity, total or pyritic sulfur percentage, and physical properties. If the data is unavailable, submit a test hole variance request which either:
 - 1) provides the data in another form or from an adjacent area, or
 - 2) details a plan to obtain the necessary data at the time of the first cut.

N/A - Not a Surface Mine

2. Hydrology Description

- a) For each identifiable aquifer/waterbearing zone within the hydrologic regime complete the following table:

<u>Aquifer/Zone Identification</u>	<u>Discharge/Usage</u>
A-1 (W-1)	Not Used
A-2 (W-2)	Not Used - Formerly Domestic
A-3 (W-3)	Not Used - Formerly Domestic

- b) If public water supply sources or surface water bodies (including perennial and intermittent streams) occur within the hydrologic regime, submit an Attachment 14D. See Attachment 14D

3. Hydrologic Determination

Submit an addendum which describes the impact the proposed operation will have on sediment yield from the disturbed area and flooding or streamflow alteration. See Addendum B

4. Protection of Hydrologic Balance

Submit an addendum which describes the measures to be taken during and after the proposed surface mining operations to avoid acid or toxic drainage and to prevent material damage outside the permit area.

N/A - Not a surface operation

5. Ground Water and Surface Water Monitoring Plan

- a) In addition to the quality and quantity parameters required for quarterly monitoring and NPDES monitoring, will any other parameters be monitored? _____ Yes, X No. If "yes," indicate the parameter(s) and the site(s) where such monitoring will occur.

- b) Do you propose or anticipate the need for a variation in the required quarterly monitoring frequency for ground and surface water sites and monthly monitoring for NPDES? _____ Yes, X No. If "yes," describe the variation in frequency and the monitoring sites to be affected.

6. If appropriate, describe the methods or techniques to be used for irrigation, and, if any is proposed, disease, pest, and vermin control.

N/A

7. Submit an addendum which describes the plan for minimizing to the extent possible and using the best technology currently available disturbances and adverse impacts of the operation on fish and wildlife and related environmental values and achieving enhancement of such resources where practical. See Addendum C
8. Will surface mining operations be conducted within 500' of an active underground mine? _____ Yes, X No. If "yes," submit as addenda to the permit application letters from the chief, MSHA, and the chief, Division of Mines, jointly approving of the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities.
9. Will the proposed surface mining operations cause fugitive dust resulting from erosion? _____ Yes, X No. If "yes," submit as an addendum the plan for fugitive dust control practices as required by paragraph (O) (2) of rule 1501:13-4-05 of the Administrative Code and, if required by the chief, an air quality monitoring program as required by paragraph (O) (1) of the Administrative Code.
10. Are variances from approximate original contour to be employed in the proposed surface mining operations? _____ Yes, X No. If "yes," submit an addendum to the permit application meeting the requirements of paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code.

(Note: if a variance from approximate original contour is proposed in accordance with paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code and this PA 25 Addendum is submitted as part of an "Application To Revise a Permit," then it is a significant revision and the public notice requirements of paragraph (A) of 1501:13-5-01 must be met.)

OHIO DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF RECLAMATION

ATTACHMENT 14D
 (SURFACE WATER BODIES/PUBLIC WATER SUPPLIES)

Applicant's Name The Ohio Valley Coal Company

Surface Water/ Public Supply Identification #	Type of Surface Water/Public Supply	Name of Owner of Surface Water/ Public Supply	Known Uses of Surface Water/ Public Supply
Captina Creek	Perennial Stream	The Ohio Valley Coal Company	Industrial - Supplies Water for Mine and Preparation Plant
Perkins Run	Perennial Stream	The Ohio Valley Coal Company	None

Program Amendment 25
Addendum A

The Powhatan No. 6 Mine is an underground mine with very few surface impacts. Reclamation is expected to include replacement of topsoil and the re-establishment of vegetation. Therefore, the local geology, as described in Addendum No. 6 of Permit D-0360, is not expected to influence required reclamation. Similarly, the geology is not expected to affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters.

Program Amendment 25
Addendum B

Addendum 9 in the original permit application describes the anticipated hydrologic impact. Flooding or streamflow are not expected to be affected as a result of the mining operation.

Program Amendment 25
Addendum C

The Powhatan No. 6 Mine has taken and will continue to take measures necessary to minimize and eliminate adverse impacts of its operation on fish, wildlife, and related environmental values; and to achieve enhancement of these resources where practical. Only areas where disturbance is required has been disturbed. Ponds control sediment to assure that effluent limitations are met. Slurry disposal is accomplished in an impoundment that has excellent water quality and provides outstanding water fowl and fish habitat. Nesting boxes for migratory birds were recently established for Canadian Geese at the No. 2 Slurry Impoundment. As an experimental practice, this impoundment will remain as a permanent enhancement to the environment.

Areas to be reclaimed will be covered with topsoil and planted with seed mixtures specified in Permit D-0360, Addendum 22. The plantings will contain open areas of herbaceous species, food and cover plantings of trees and shrubs, edge improvements, and travel lanes. Open areas will be scattered throughout the area and will be between one-half and five acres in size. The area to be reclaimed will include food and cover plantings of woody species to break up the expansive, open areas; they will be small and irregular in shape. As many food and cover plantings as possible will be used. Edge improvement will create a gradual transition zone between plant communities, creating wider edges and enhancing the edge effect. Travel lanes will be created by planting single rows of dense-growing shrubs or double, alternating rows incorporating two different species of shrubs. Banks of streams will be restored, where disturbed, with riparian vegetation.



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224

September 29, 1989

The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902

RE: Midterm Permit Review on D-0360, Permit Conditions

Gentlemen:

To expedite the processing of this midterm review and eliminate the linkage of one permit condition to another, it is requested that separate Applications to Revise a Permit (A.R.P.) be submitted for both of the permit conditions. This will enable the Division's prompt processing of the midterm review and prevent the likelihood of enforcement action being taken in the event there are significant delays in resolving the test plot and experimental practice provisions of permit D-0360. Further information or documentation is not being requested at this time, this is purely an administrative action.

Please follow these steps in complying with this request:

- 1) Submit a separate ARP for each of the permit conditions.
- 2) Item 3 on the ARP form: reference the section of the permit addressed.
- 3) Item 4 on the ARP form: describe the proposed revision (i.e. the establishment of test plots on one ARP and the plans for an experimental practice meeting the requirements of OAC 1501:13-4-12 (B) on the other ARP).
- 4) Item 5 on the ARP form: indicate the revisions are the result of permit conditions issued at the time of permit issuance.
- 5) Item 6 on the ARP form for the experimental practice ARP: indicate "yes," and comply with item 7 through 9.

Please note: Failure to submit the complete and correct ARPs within 20 days may result in the issuance of a Chief's Order. If the requirements of the Chief's Order are not met, additional enforcement action may occur.

Richard F. Celeste, Governor



TOVCC 19024

If you have any questions, please contact Bob Foster at 265-6625 in the Columbus office at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Tim L. Dieringer". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Tim L. Dieringer
Chief
Division of Reclamation

TLD:sm

cc: M. Nishimura
J. Graham
T. Shearer